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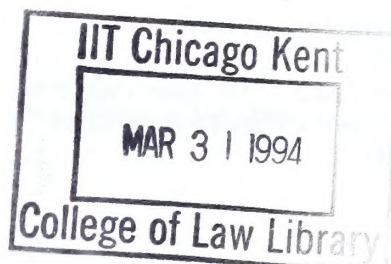
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Rules of Governmental Agencies

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NOTICE OF MOVE OF OFFICES

Please note that, effective January 25, 1994, the Administrative Code Division of the Secretary of State's Index Department has moved to the Index Department Building at 111 East Monroe Street, Springfield, Illinois, 62756. (Telephone 217-782-7017)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Uniform Electric Fuel Adjustment

2) Code Citation: 83 Ill. Adm. Code 425

3) Section Numbers: Proposed Action:

425.40 Amendment
425.50 Amendment

4) Statutory Authority: Implementing Section 9-220 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 9-220 and 10-101)[220 ILCS 5/9-220 and 10-101].

5) A Complete Description of the Subjects and Issues Involved:
These amendments to Part 425 will establish Commission policy regarding the ratemaking treatment of expenditures or revenues resulting from the purchase or sale of sulfur dioxide emission allowances created by the federal Clean Air Act Amendments of 1990 (Pub. L. 101-549), pursuant to Commission authority under Section 9-220 of the Public Utilities Act.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments will not affect any small businesses, small municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

C) Types of professional skills necessary for compliance: Accounting

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES DIVISION
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER C: ELECTRIC UTILITIES

PART 425

UNIFORM ELECTRIC FUEL ADJUSTMENT

Section

425.10 Applicability

425.20 Cost Basis

425.30 Fuel Adjustment Formula

425.40 Interpretation

425.50 Administration

AUTHORITY: Implementing Section 9-220 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111-2/3, pars. 9-220 and 10-101) (220 ILCS 5/9-220 and 10-101).

SOURCE: Adopted at 5 Ill. Reg. 14133, effective December 3, 1981; amended at 7 Ill. Reg. 191, effective December 15, 1982; codified at 7 Ill. Reg. 14505; amended at 9 Ill. Reg. 684, effective January 8, 1985; amended at 13 Ill. Reg. 16730, effective January 1, 1990; amended at Ill. Reg. , effective .

Section 425.40 Interpretation

a) Economic dispatch. Economic dispatch means the operation of the electric utility's system, utilizing the source of available power to achieve minimum overall costs, taking into consideration the utility's voltage, frequency, reliability, environmental, safety and service quality requirements, as well as the utility's existing contractual obligations. The utility shall adhere to the principles of economic dispatch unless under unusual circumstances the prudent operation of the utility's system dictates otherwise. If there is a deviation from economic dispatch or any use of less than 100% of the fuel cost of any resource in the dispatch, the deviation shall be fully explained in the initial monthly filing after the facts giving rise to such deviation first occur. Subsequent filings which continue to be affected by facts previously explained need not be accompanied by such explanation.

b) Billing period. The billing period is defined as the period beginning with the first billing cycle of the month for which the FAC is being determined and ending with the last billing cycle thereof.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

c) Allowable fuel and fuel related charges (CF).

1) The cost of fuel shall include the direct cost of fuel delivered at the generating plants. The direct fossil fuel costs are limited to costs entered into fuel expense Accounts #501 and #547 which have been cleared upon consumption from Fuel Stock Account #151, or in the case of gas fuel the amount which is charged directly to Accounts #501 or #547. Costs cleared from Fuel Stock Accounts #152 and #153 are specifically excluded. The cost of fuel used in the generation or production of electric power shall not include transportation costs of coal (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 9-220) (this exclusion includes items 2, 4, and 5 of Fuel Stock Account #151) except as otherwise provided in this subsection. Such costs of fuel shall, when requested by a utility or at the conclusion of the utility's next general electric rate proceeding, whichever shall first occur, include transportation costs of coal purchased under existing coal purchase contracts. For purposes of this subsection "existing coal purchase contracts" means contracts for the purchase of coal in effect on August 27, 1991, as such contracts may thereafter be amended, but only to the extent that any such amendment does not increase the aggregate quantity of coal to be purchased under such contract (Section 9-220 of the Public Utilities Act ("Act"), (220 ILCS 5/9-220)).

2) The cost of nuclear fuel shall be that as expensed in Account #518, including provisions for storage and disposal of spent nuclear fuel including spent fuel disposal fees, except that handling costs for nuclear fuel assemblies or any expense for fossil fuel which has already been included in the costs of fossil fuel, are specifically excluded.

3) The consumed fuel costs associated with test generation shall be included in allowable fuel and fuel related charges to the extent they are equal to or less than the average fuel costs of the utility's other units operated during the period for which the FAC is being determined. Average fuel costs equal total fuel costs of a utility's generating facilities less the cost of test generation,

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

divided by total net generation less test generation.

- 4) Where the cost of fuel includes fuel and/or transportation costs from company owned or controlled services (in whole or in part), that fact shall be noted and described as part of any filing. Where the utility purchases fuel or transportation from a company owned or controlled source, the price of which is subject to the jurisdiction of a regulatory body, such cost shall be deemed to be reasonable and includible in the adjustment clause, if approved by such regulatory body. If the current price, however, is in litigation and is being collected subject to refund, the utility shall so advise the Commission and shall keep a separate account of such amounts paid which are subject to refund, and shall advise the Commission of the final disposition of such matter by the regulatory body having jurisdiction.

- 5) With respect to the price of fuel purchases or transportation services from company or controlled sources pursuant to contracts which are not subject to regulatory authority, the utility company shall file such contracts and amendments thereto annually with the Commission.

- 6) Fuel or transportation charges by affiliated companies which do not appear to be reasonable may result in the suspension of the fuel adjustment clause or cause an investigation thereof to be made by the Commission on its own motion. Any suspension of the fuel adjustment clause may occur if, after a hearing, a finding is made that such charges of a utility are unreasonable.

- 7) The cost of fuel shall include the direct cost of purchasing or otherwise acquiring, for utility operations purposes, emission allowances, created under the Federal Clean Air Act Amendments of 1990 (Pub. L. 101-549) including the emission allowances allocated to the utility by the United States Environmental Protection Agency, limited to the following:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- A) The costs cleared from Account #158.1 - Allowance Inventory, and charged to Account #509 - Allowances, concurrent with the monthly emission of sulfur dioxide;

- B) The gains cleared from Account #254 - Other Regulatory Liabilities, and credited to Account #411.8 - Gains from Disposition of Allowances; and

- C) The losses charged to Account #411.9 - Losses from Disposition of Allowances.

- d) Allowable Energy Costs Associated with Purchased Power (CPP) represents only the energy cost portion of emergency and contract purchases. It represents the energy and demand cost portions of economy purchases. Non-mandatory exchanges of power are not included. Mt. Carmel Public Utility Co., and South Beloit Water, Gas and Electric Company are permitted to include in their computation of purchased power cost (CPP) the demand charges associated with such purchases.

- e) Base Fuel Cost (BFC). The base fuel costs in cents per KWH rounded to the nearest .001¢ included in the energy charges of the utility's rates.

- f) Non-jurisdictional sales. Fuel costs associated with sales to other privately owned electric utilities under interchange power agreements.

- g) Desulfurization Cost. Payment for professional services, licenses, etc. for the implementation and operation of a process for the desulfurization of the flue gas when burning high sulfur coal at any location within the state of Illinois irrespective of the attainment status designation of such location, except for any fees or costs related to a service contract to the extent that recovery of comparable costs would not be permitted through the FAC if incurred directly by a utility owning and operating such a facility (Section 9-220 of the Act). If fees are more than 10% of the estimated fuel cost for the month (CF & CPP - CNS) excluding the desulfurization fees, they shall be deferred (Account #186, Miscellaneous Deferred Debits) and amortized at a rate which will permit the charge off of the deferred amount in the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

shortest time frame, while conforming to the 10% restraint.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 425.50 Administration

a) Reporting. Utilities are to report monthly in a format designated by the Commission.

b) In conjunction with a docketed reconciliation proceeding, the company shall file with the Commission a statement showing the determination of the reconciliation balance for the reconciliation year. This annual reconciliation shall be accompanied by the opinion of the company's outside public accountants on the reconciliation and verified by an officer of the company.

cb) Ordered Reconciliation. Costs and revenues associated with the clause shall be subject to an ordered reconciliation factor (Ro) as required by the Commission.

de) Automatic Reconciliation. The automatic reconciliation factor (Ra) will consist of the difference between actual allowable costs incurred and FAC recoveries for each month so identified in the second month prior to the billing month. This difference shall be divided by the Kwh's subject to FAC estimated to be delivered to ultimate customers during the billing period.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Uniform System of Accounts for Electric Utilities

2) Code Citation: 83 Ill. Adm. Code 415

3) Section Numbers: Proposed Action:

415.411 New Section
415.4118 New Section
415.4119 New Section

4) Statutory Authority: Implementing Sections 5-102 and 5-103 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 5-102 and 5-103)[220 ILCS 5/5-102 and 5-103].

5) A Complete Description of the Subjects and Issues Involved: These amendments to Part 415 will establish Commission policy regarding the ratemaking treatment of expenditures or revenues resulting from the purchase or sale of sulfur dioxide emission allowances created by the federal Clean Air Act Amendments of 1990 (Pub. L. 101-549), pursuant to Commission authority under Section 9-220 of the Public Utilities Act.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? Yes.

9) Are there any other proposed amendments pending on this Part? Yes.

Section Number:	Proposed Action:	Illinois Register Citation:
415.10	Amendment	18 Ill. Reg. 937
415.20	Amendment	18 Ill. Reg. 937
415.210	Amendment	18 Ill. Reg. 937
415.250	Amendment	18 Ill. Reg. 937
415.270	Repeal	18 Ill. Reg. 937
415.280	Repeal	18 Ill. Reg. 937
415.420	Repeal	18 Ill. Reg. 937
415.430	Amendment	18 Ill. Reg. 937
415.450	Repeal	18 Ill. Reg. 937
415.1020	Repeal	18 Ill. Reg. 937

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

415.1080 Repeal 18 Ill. Reg. 937
 415.2010 New Section 18 Ill. Reg. 937
 415.2070 New Section 18 Ill. Reg. 937
 415.2110 New Section 18 Ill. Reg. 937
 415.2140 New Section 18 Ill. Reg. 937
 415.4390 Amendment 18 Ill. Reg. 937

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments will not affect any small businesses, small municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

C) Types of professional skills necessary for compliance: Accounting

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER C: ELECTRIC UTILITIES

PART 415

UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC UTILITIES

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY REFERENCE

Section
 415.10 Adoption of 18 CFR 101 by Reference
 415.20 Adoption of 18 CFR 116 by Reference

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section	Definitions
415.200	General Instruction 1
415.210	General Instruction 5
415.250	General Instruction 7
415.270	General Instruction 7.1
415.280	General Instruction 12 (Repealed)
415.330	General Instruction 13
415.340	General Instruction 17
415.380	General Instruction 18
415.390	General Instruction 20
415.410	General Instruction 21
415.411	Electric Plant Instruction 2
415.420	Electric Plant Instruction 3
415.430	Electric Plant Instruction 5
415.450	Electric Plant Instruction 7
415.470	Electric Plant Instruction 10
415.500	Income Chart of Accounts
415.940	Operation and Maintenance Expense Chart of Accounts
415.970	Account 102
415.1020	Account 105
415.1050	Account 108
415.1080	Account 411.8
415.4118	Account 411.9
415.4119	Account 416
415.4160	Account 426.1
415.4261	Account 439
415.4390	Account 518
415.5180	Accounts 914 and 915
415.9140	Account 930.2
415.9302	

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

APPENDIX G Operation and Maintenance Expense Accounts
EXHIBIT A Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 of the Public Utilities Act (Ill. Rev. Stat. 1967, ch. 111-2/3, pars. 5-102 and 5-103) [220 ILCS 5/5-102 and 5-103].

SOURCE: Adopted July 14, 1960, effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 160, effective January 1, 1984; amended at 9 Ill. Reg. 4016, effective April 1, 1985; amended at 9 Ill. Reg. 13079, effective August 15, 1985; amended at 12 Ill. Reg. 11710, effective July 15, 1988; amended at ___ Ill. Reg. ___, effective ____.

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section 415.411 General Instruction 21

- a) In Paragraph A, the following sentences are added:

"Allowances allocated from the Environmental Protection Agency shall be recorded in Account 158.1, Allowance Inventory, and shall not be recorded in Account 124, Other Investments. An emission allowance acquired for speculative purposes initially recorded in Account 124, Other Investments, may not be later transferred to Account 158.1, Allowance Inventory. Conversely, an emission allowance not acquired for speculative purposes initially recorded in Account 158.1, Allowance Inventory, may not be later transferred to Account 124, Other Investments."

- b) In Paragraph C, the following sentence is added:

"The cost of allowances shall include any direct cost of acquisition, such as broker fees or sales commissions, but shall not include indirect expenses such as legal fees to draw up the allowance purchase contract."

- c) Paragraph H is deleted and replaced by the following:

"H. Gains on dispositions of allowances, other than allowances held for speculative purposes, shall be accounted for as follows. First, if there is uncertainty as to the regulatory treatment, the gain shall be deferred in Account 254, Other Regu-

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

latory Liabilities, pending resolution of the uncertainty. Second, if there is certainty as to the existence of a regulatory liability, the gain will be credited to Account 254, with subsequent recognition in Account 411.8, Gains from Disposition of Allowances unless, at the utility's option, the gain is to be spread in equal amounts over a period not to exceed twelve months. Losses on disposition of allowances, other than allowances held for speculative purposes, shall be accounted for as follows. Losses that qualify as regulatory assets shall be charged directly to Account 182.3, Other Regulatory Assets. All other losses shall be charged to Account 411.9, Losses from Disposition of Allowances unless, at the utility's option, the loss is to be spread in equal amounts over a period not to exceed twelve months. (See Definition No. 30.) Gains or losses on disposition of allowances held for speculative purposes shall be recognized in Account 421, Miscellaneous Nonoperating Income, or Account 426.5, Other Deductions, as appropriate.

(Source: Added at ___ Ill. Reg. ___, effective ____.

Section 415.4118 Account 411.8

The following is added to the last sentence in this Section:

"or in an appropriate deferred tax account such as 410.1 or 411.1 to recognize IRS tax requirements."

(Source: Added at ___ Ill. Reg. ___, effective ____.

Section 415.4119 Account 411.9

The following is added to the last sentence in this Section:

"or in an appropriate deferred tax account such as 410.1 or 411.1 to recognize IRS tax requirements."

(Source: Added at ___ Ill. Reg. ___, effective ____.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting

2) CODE CITATION: 17 Ill. Adm. Code 530

3) SECTION NUMBERS: PROPOSED ACTION:

530.20 Amendments
530.60 Repealed
530.70 Amendments
530.80 Amendments
530.100 Amendments
530.105 Amendments
530.110 Amendments
530.115 Amendments
530.120 Repealed

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29].

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
Amendments to this Part are being made to remove crow hunting regulations (which are being added to 17 Ill. Adm. Code 740); change dates to coincide with 1994 calendar; add Moraine View to the list of sites in State-operated permit pheasant areas; add Site M to list of privatized areas; add language indicating there will be no adult hunting during Mackinaw youth hunt; and reorganize sites based on method of collection of hunter use and harvest data.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL
AND RABBIT-AND-CROW HUNTING

PART 530

- Section
530.10 Statewide General Regulations
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30 Statewide Hungarian Partridge Regulations (Repealed)
530.40 Statewide Bobwhite Quail Regulations (Repealed)
530.50 Statewide Rabbit Regulations (Repealed)
530.60 Statewide Crow Regulations (Repealed)
530.70 Controlled Pheasant Hunting Sites Permit Requirements
530.80 Controlled Pheasant Hunting Regulations
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements
530.100 Illinois Youth Pheasant Hunting Regulations
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendments at 10 Ill. Reg. 18922, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

12796, effective July 21, 1989; emergency amendments at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendments at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendments at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations

a) Zones: South zone consists of all lands south of the line that follows U.S. Route 36 from the Indiana State line to Springfield, Route 29 from Springfield to Pekin and Route 9 from Pekin to Dallas City, then due west to the Mississippi River; north zone is the remainder of the State.

b) Season dates:

North (all species) - first Saturday in November through ~~January, 5, 1994~~ the first Wednesday in the next following January.

South (all species) - first Saturday in November through the second Sunday in the next following January.

c) Hunting hours: Sunrise until sunset.

d) Daily limit:

Cock Pheasant - 2
Bobwhite Quail - 8
Hungarian Partridge - 2
Rabbit - 4

e) Possession limit (after the second day of the hunting season):

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Cock Pheasant - 6
 Bobwhite Quail - 20
 Hungarian Partridge - 6
 Rabbit - 10

- f) Cock pheasant may be hunted only; hen pheasants are illegal to take or possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 or 3.27 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.13 or 3.27) [520 ILCS 5/1.13 or 3.27] or at sites listed in Section 530.105 and as provided for on designated sites in Section 530.110, and by falconry methods as described in 17 Ill. Adm. Code 1590, Falconry and the Captive Propagation of Raptors.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 530.60 Statewide Crow Regulations (Repealed)

- a) ~~Season dates: July 1 through August 15, and from December 15 through the next following March 1.~~

- b) ~~Hunting hours: Sunrise until sunset.~~

- c) ~~Daily limit and possession limit: No limit.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department of Conservation (Department or DOC) to obtain a permit reservation. ~~(except Except for Wayne Fitzgerald, Silver Springs State Park, Ramsey Lake State Park, Site M, and Lee County Conservation Area (Green River) and Moraine View State Park where applicants must contact the concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DOC).~~ Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation.

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- b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 4980 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

- c) The permit authorizes the permit holder to bring one hunting partner. (The hunting partner cannot hunt without the permit holder being present to hunt.) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:

Illinois Department of Conservation
 Pheasant
 524 South Second St., Room 210
 P. O. Box 19457
 Springfield, Illinois 62794-9457

- d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Moraine View State Park and Richland County Controlled Pheasant Hunting Area.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 530.80 Controlled Pheasant Hunting Regulations

- a) The controlled hunting season is November 3 through December 21, both dates inclusive, with the following exceptions:

- 1) All areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and November 1918 and December 2, 19931, 1994.
- 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 76 (except Site M, Silver Springs and Ramsey Lake).

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- 3) The controlled hunting season on the Des Plaines Conservation Area and the Iroquois County Conservation Area is November 32 through November 1413, November 2423 through November 2827 and December 32 through December 19, 1993-18, 1994.
- 4) The controlled hunting season on the Wayne Fitzgerald State Park (Rend Lake), Lee County Conservation Area (Green River), ~~Wayne-Fitzgerald State Park, Moraine View State Park, Silver Springs State Park, Site M~~ and Ramsey Lake State Park will be publicly announced.

b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. Reservations are void after 8:00 a.m.

c) When daily quotas are not filled, permits shall be issued on a first-come, first-served basis until 12:00 Noon.

d) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession. A \$15.00 Daily Usage Stamp must be purchased at each area (except at Wayne Fitzgerald (Rend Lake), Silver Springs State Park, Ramsey Lake State Park, Moraine View State Park, Site M and Lee County Conservation Area, a Daily Usage Stamp is not required. Fees and method(s) of payment at these sites will be publicly announced).

e) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must also wear a back patch issued by the check station.

f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.

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g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Park where only non-toxic shot may be possessed and only shot shells with a shot size of No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.

h) Non-hunters are not allowed in the field.

i) Hunters under 16 years of age must be accompanied by an adult hunter.

j) Daily limits:

1) Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Des Plaines Conservation Area, Lee County Conservation Area (Green River) and Moraine View State Park.

2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at Silver Springs State Park and Ramsey Lake State Park.

3) Two cock pheasants, 8 bobwhite quail and 4 rabbits at Site M.

k) Tagging of birds.

All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

l) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.

m) It shall be unlawful to hunt on a site listed in subsection (j) above for the remainder of the controlled hunting season after being issued a citation for violation of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.33(g), (i), (j), (k), (n), (o), (p), (u), (x), (z), (cc) and (gg)) [520 ILCS 5/2.33(g), (i), (j), (k), (n), (o), (p), (u), (x), (z), (cc) and (gg)] or 17 Ill.

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Adm. Code 510.10(c)(4), (6), (11) and (12) and subsection 530.20(d) and subsections (d), (e), (g) and (j) of this Section, at that site. Hunters so cited may appeal the loss of hunting privileges to the site superintendent at the site where the violation(s) occurred. Hunters may also request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Conservation, 524 South Second Street, Springfield, IL 62706. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 530.100 Illinois Youth Pheasant Hunting Regulations

- a) The Illinois Youth Pheasant Hunt will be November 7, 1993 to 6, 1994, except at Sangchris Lake State Park where the hunt will be December 11, 1993, and at Railsplitter State Park where the hunt will be November 27, 1993 and at Mackinaw River State Fish & Wildlife Area where the hunt will be the first Saturday of the statewide upland season.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 8:00 a.m. and 8:30 a.m. at Sangchris Lake and Railsplitter State Park).
- c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Railsplitter State Park.
- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult, ~~except at Mackinaw River State Fish & Wildlife Area where one supervisory adult per youth will be allowed hunting rights.~~ If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.

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- e) Hunters and supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must also wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells with a shot size of No. 3 steel or smaller may be used.
- h) Daily limit.
 - 1) Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County Conservation Area, Lee County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Moraine View State Park and Horseshoe Lake State Park (Madison County).
 - 2) Statewide Limits, Mackinaw River State Fish & Wildlife Area, Sangchris Lake State Park and Railsplitter State Park.
- i) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake and Railsplitter State Park and Mackinaw River State Fish & Wildlife Area). The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General

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Hunting and Trapping apply in this Section, unless this Section is more restrictive.

- b) All hunters must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.
- c) All areas are closed to fee upland game hunting Mondays and Tuesdays, Christmas Day and New Year's Day and November 19th and December 21st.
- d) Hunting hours are 9:00 a.m. to 3:04:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park, Silver Springs State Park and Sand Ridge State Forest).
- e) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- f) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- g) A drawing shall be held at the site for hunter quotas; a \$15.00 daily usage stamp is required opening date through the day following the final game bird release.
- h) When daily quotas are not filled, hunters are allowed to check in on a first-come first-served basis until 1:00 p.m.
- i) The Department shall announce by public news release the registration time and quota to be filled.
- j) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- k) A back patch issued at the check station must be worn while hunting.

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- l) Non-hunters are not allowed in the field.
- m) Hunters must not leave the site without first checking out.
- n) Daily Limit:

Pheasant - 2 (either sex may be harvested)
 Bobwhite Quail - 8
 Hungarian Partridge - 2
 Rabbit - 4

- o) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season; daily limits 2 pheasants of either sex except on the last day of fee hunting, each hunter will be allowed to harvest 4 quail and 2 rabbits in addition to 2 pheasants)

Joliet Army Ammunition Plant - Will County (if negotiations between the Department and the United States Army are successfully concluded in time to have pheasant, rabbit, quail and partridge hunting at this site, regulations and requirements shall be publicly announced \$5.00 daily usage fee will be charged; no hen pheasants may be harvested; site is closed during site's firearm deer season; pheasants will not be tagged)

Johnson-Sauk Trail State Park

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours, quail shall not be harvested)

Sand Ridge State Forest

Washington County Conservation Area

- p) It shall be unlawful to hunt on a site listed in subsection (o) above for the remainder of the controlled hunting season after being issued a citation for violation of the Wildlife Code (Ill. Rev. Stat. 1991, ch.

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61, par. 2.33(g), (i), (j), (k), (n), (o), (p), (u), (x), (z), (cc) and (gg)) 520 ILCS 5/2.33(g), (i), (j), (k), (n), (o), (p), (u), (x), (z), (cc) and (gg)) or 17 Ill. Adm. Code 510.10(c)(4), (6), (11) and (12), subsection 530.20(d) and subsections (b), (d) and (j) of this Section, at the site. Hunters so cited may appeal the loss of hunting privileges to the site superintendent at the site where the violation(s) occurred. Hunters may also request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Conservation, 524 South Second Street, Springfield IL 62701. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 --General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Flu arrows only may be used by bow and arrow hunters.
- c) Hunters engaged in quail, rabbit, pheasant, or Hungarian partridge hunting must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches at all Department-owned or -managed sites.:
- d) The Department will announce by public news release the registration time and quota to be filled at sites where the hunter quota will be filled by drawing at the sites.
- e) No report of hunting trips or harvest is required. Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area

Argyle Lake State Park

~~Banner Marsh State Fish and Wildlife Area (season--the day after the close of the duck season--until statewide closing)~~

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Big Bend Conservation Area

~~Big River State Forest (closed during firearm deer season)~~

Cache River State Natural Area

Campbell Pond Wildlife Management Area

~~Carlyle Lake Lands and Waters--Corps of Engineers-managed lands~~

~~Carlyle Lake Wildlife Management Area (no hunting in the subimpoundment area 3 days prior to and during waterfowl season)~~

~~Chain O'Lakes State Park--(open Wednesday after permit pheasant season for five consecutive days, except closed on Christmas Day, 8:00 a.m. to 4:00 p.m.; hunters must check in and check out; daily quota filled on first come, first serve basis; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area)~~

~~Chauncey Marsh (permit required; obtain at Red Hills State Park headquarters prior to hunting; must return permit by February 15)~~

Crawford County Conservation Area

~~Des Plaines Conservation Area (open November 17 and 18 and December 1 and 2 and Wednesday after permit pheasant season; and runs five days thereafter except closed on Mondays, Tuesdays, Christmas Day and New Year's Day, 9:00 a.m. to 4:00 p.m.; check in and check out required; daily quota filled by first come, first serve basis; hunters must wear DOC issued back patch while hunting; hunters must check out by 4:15 p.m.; only shot size of No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area)~~

Dog Island Wildlife Management Area

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Biden Hasket State Park (North of Allen Branch and West of Peppenhorst Branch only)

Perne Clyffe State Park

Port De Chartres Historic Site (hunting with muzzle-loading shotgun or bow and arrow only)

Port Mascare State Park

Giant City State Park

Hamilton County Conservation Area (8:00 a.m. to statewide close)

Herschel Workman Habitat Area (Vermilion County Pheasant Stamp Site) (Open only November 6, 7, 11, 13, 19, 21, 24, 27, 29, December 4, 7, 11, 13, 17, 19, 21, and 24; hunters shall apply to the Department of Conservation Permit Office for permit to hunt a specific day within the statewide season; permits will be allocated by a random drawing; procedures for application and drawing will be announced by news release; permits must be in possession while hunting; only one permit per person per year will be issued; each permit authorizes the holder to bring three hunting partners; permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges for this site for the following year)

Horseshoe Lake State Park Public Hunting Area-Alexander County (Waterfowl Permit Area closed)

I-24 Wildlife Management Area

Iroquois County Conservation Area (season is November 17 and 19, December 1 and 2, and opens two days after the pheasant permit season closes and runs for 3 consecutive days; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out and wear Department issued back patch while hunting; pheasants of either sex may be taken, hen pheasants must be tagged with Department tag at the check station before leaving the area)

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Johnson Sauk Trail State Park (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, Mondays and Tuesdays; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Jubilee College State Park (Sunrise to 4:00 p.m.)

Kaecker Sand Prairie Habitat Area (Lee County Pheasant Stamp Site) (Open only November 6, 7, 11, 13, 19, 21, 24, 27, 29, December 4, 7, 11, 13, 17, 19, 21, and 24; hunters shall apply to the Department of Conservation Permit Office for permit to hunt a specific day within the statewide season; permits will be allocated by a random drawing; procedures for application and drawing will be announced by news release; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring five hunting partners; permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges for this site for the following year)

Kankakee River State Park (9:00 a.m. to 3:00 p.m.; non-fee hunting open November 19 and December 2 and the Wednesday after the final game bird release for five consecutive days or until the end of the season, whichever comes first; closed Christmas Day, New Year's Day and Mondays and Tuesdays; hunters must check in and check out; daily quota filled by drawing at 8:30 a.m.; hunters must check out by 3:15 p.m.; DOC back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used; quail may not be harvested)

Kaskaskia River Fish and Wildlife Area (except Doka Creek Waterfowl Management Unit closed 3 days prior to and during duck season)

Kielapoo State Park (8:00 a.m. to 4:00 p.m.; no hunting during firearm deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during the first 2 weekends of the season)

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Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville—Kaskaskia and West Okaw Fish and Wildlife Area (only non-toxic shot may be in possession while hunting in Fish Hook, Dunn, McGee and Jonathan Creek waterfowl management units)

Lee County Conservation Area (hunting for rabbit and quail on Monday and Tuesday only during the permit pheasant season; pheasant hunting permitted two days following close of permit pheasant season; cooke only may be taken)

Maackinaw River State Fish and Wildlife Area (opens the day after "Youth Hunt" for 9 consecutive days; rabbit hunting only reopens the third Saturday in December for 9 consecutive days; hunting hours 9:00 a.m. to 4:00 p.m.; daily usage quota filled by daily draw or first-come basis; DOC issued back patches must be worn while hunting)

Marseilles Fish and Wildlife Area (no hunting during firearm-deer season)

Marshall County Conservation Area (no hunting during firearm-deer season)

Mazonia State Fish and Wildlife Area (opens the first day after the close of the Central Zone duck season, except closed on Monday and Tuesday; hunting hours 9:00 a.m. to 3:00 p.m.; only shot size of #5 lead or #3 steel or smaller may be used; check in and check out required; hunter quota filled by daily drawing for first day of season; to participate in daily drawing, hunters must check in by 8:30 a.m.; DOC issued backpatch must be worn during first day; after the first day, hunters must sign in and sign out and report harvest; area closes at 3:30 p.m. daily; closed Christmas Day)

McLean County Pheasant Stamp Habitat Area (Open only November 6, 7, 11, 13, 19, 21, 24, 27, 29, December 4, 7, 11, 13, 17, 19, 21 and 24; hunters shall apply to the Department of Conservation Permit Office for permit to hunt a specific day within the statewide season; permits will be

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allocated by a random drawing; procedures for application and drawing will be announced by news release; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring three hunting partners; permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges for this site for the following year)

Mormet Lake Conservation Area

Middlefork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; no hunting during the firearm-deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during the first 2 weekends of the season)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25 and 26

Moraine View State Park (hunting will be allowed as announced by the Department)

Mt. Vernon Game Farm (rabbit only; January 1 to season's end; site permit required; must return harvest report by January 31; maximum shot size 5 lead or 3 steel)

Oakford Conservation Area

Panther Creek Conservation Area

Pike County Conservation Area (no hunting after November 30 in Area A; no hunting after December 15 in Area C)

Pyramid State Park (8:00 a.m. to 4:00 p.m.)

Railsplitter State Park (a pheasant, quail and rabbit hunting program will be conducted 3 days only on November 28, and December 11 and 12, 1992; Railsplitter Pheasant, Quail and Rabbit permits will be issued by a mail in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Permits available after the drawing will be allocated on a

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first-come basis from the site or district Wildlife office. Each permittee must check in at the site check station between 8:00 a.m. and 8:30 a.m., and exchange his hunting license and Raileplitter Upland Game Permit for a back patch to be worn while in the field. Hunting hours are 8:30 a.m. to 3:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. It is unlawful to hunt in restricted areas.

Ramsey Lake State Park (hunting will be allowed as announced by the Department)

Randolph County Conservation Area

Red Hills State Park (8:00 a.m. to statewide close)

Rend Lake Project Lands and Waters

Saline County Conservation Area (8:00 a.m. to 4:00 p.m.)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (hunters must sign out daily and report their harvest)

Sangamon County Conservation Area

Sangamonis Conservation Area

Sangehris Lake State Park (a pheasant, quail and rabbit hunting program will be conducted 2 days only on December 12, 1993 and on December 18, 1993; Sangehris Lake Pheasant, Quail and Rabbit permits will be issued by a mail in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Permits available after the drawing will be allocated on a first-come basis from the site office. Each permittee must check in at the site office between 9:00 a.m. and 8:30 a.m. and exchange their hunting license and Sangehris Lake Upland Game Permit for a back patch to be worn while in

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the field. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Rabbit hunting only will be permitted at Sangehris Lake State Park from December 19, 1993 through December 31 except on Christmas Day, hunter quota will be announced by public news release, daily Sangehris Lake Rabbit Hunting Permits will be issued on a first-come basis at the site office between 8:00 a.m. and 9:00 a.m. on each respective hunting day. Hunters must possess a Sangehris Lake Rabbit Hunting Permit at all times when hunting. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m.)

Shawnee National Forest, LaRue Seatters (sunrise--noon during the duck season)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of the Big Muddy Levee, sunrise--noon during duck season; non-toxic shot only)

Silver Springs State Park (hunting will be allowed as announced by the Department)

Site M in Cass County (In designated areas hunting will be allowed as announced by the Department. Additional regulations will be publicly announced. Parking is permitted at designated parking areas only)

Snake Den Hollow Fish and Wildlife Area (hunting permitted from the day after the close of the Fulton Knox County Zone goose season until the close of the statewide rabbit season.)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.)

Sunspot Mine (Fulton and Schuyler Counties)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; permits

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~~must be returned by February 15 to the District Wildlife Manager, 700B West Lafayette, P.O. Box 313, Olney IL 62450~~

~~Trail of Tears State Forest~~

~~Turkey Bluffs Fish and Wildlife Area~~

~~Union County Conservation Area (Firing Line Management Area only)~~

~~Washington County Conservation Area (drawing at site for hunter quota, 9:00 a.m. to 3:00 p.m., non-fee hunting open November 19 and December 2 and Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 3 steel or smaller may be used)~~

~~Weinberg-King State Park~~

~~Wildcat Hollow State Forest~~

~~Witkowsky State Wildlife Area (closed during firearm and muzzleloading rifle deer seasons)~~

- f) ~~Statewide regulations as provided for in this Part apply at the following sites, with additional regulations in parentheses. In addition, a free permit is required, which is obtained from each site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at that particular site for the following year. Free permit required. Hunters report trips and harvest by free permit. Permits may be obtained at site offices or by random drawing where quotas are in effect. Failure to return permit and report harvest by February 15 will result in loss of hunting privileges at that site for the following year. Statewide regulations as provided for in this rule apply at the following sites (all exceptions are in parentheses):~~

~~Chauncey Marsh (obtain permit at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve)~~

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~~Clinton Lake State Recreation Area (8:00 a.m. to 4 p.m.)~~

~~Eagle Creek State Park~~

~~Fox Ridge State Park~~

~~Herschel Workman Habitat Area (open only November 5, 6, 11, 19, 23 and 29 and December 9, 11, 15, 18, 21 and 24; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring three hunting partners)~~

~~Hidden Springs State Forest (no hunting during firearm deer season)~~

~~Kaacker Sand Prairie Habitat Area (open only November 5, 6, 11, 15, 19, 23, 26 and 29 and December 3, 6, 9, 11, 15, 18, 21 and 24; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring five hunting partners)~~

~~Lake Shelbyville (Eagle Creek and Kaskaskia/West Okaw Wildlife Management Areas)~~

~~McLean County Habitat Area (open only November 5, 6, 11, 15, 19, 23, 26 and 29 and December 3, 6, 9, 11, 15, 18, 21 and 24; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring three hunting partners)~~

~~Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada Goose season; permits must be returned to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)~~

~~Hunters must report trips and harvest at check station. Statewide regulations as provided for in this rule apply at the following sites (all exceptions are in parentheses):~~

~~Anderson Lake Conservation Area~~

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Argyle Lake State Park (closed during firearm deer season)

Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest (closed during firearm deer season)

Cache River State Natural Area

Carlyle Lake Wildlife Management Area (Subimpoundment area closed 3 days prior to and during the southern zone waterfowl season)

Chain O'Lakes State Park (open Wednesday after fee pheasant season for 5 consecutive days, closed December 25; 8 a.m. to 4 p.m.; only shot size No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with a DOC tag before leaving the area)

Crawford County Conservation Area

Des Plaines Conservation Area (open November 16, 17 and 30 and December 1 and Wednesday after fee pheasant season for 5 days, closed on Mondays, Tuesdays, December 25 and January 1; 9 a.m. to 4 p.m.; only shot size No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with a DOC tag before leaving area)

Eldon Hazlet State Park (Controlled Pheasant Hunting Area Only) (open for 5 consecutive days following the last pheasant release)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch; north of Allen Branch only has a check station)

Ferne Clyffe State Park

Port de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only)

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Fort Massac State Park

Giant City State Park

Hamilton County Conservation Area (opens 8 a.m.)

I-24 Wildlife Management Area

Iroquois County Conservation Area (open November 16, 17 and 30 and December 1 and starting two days after the fee pheasant season closes for 3 consecutive days; 8 a.m. to 4 p.m.; pheasants of either sex may be taken; hens must be tagged with a DOC tag before leaving area)

Johnson-Sauk Trail State Park (open from Wednesday after the fee pheasant season, closed Mondays, Tuesdays and December 25; 9 a.m. to 3 p.m.; drawing to fill hunter quota; only shot size No. 5 lead or No. 3 steel or smaller may be used)

Jubilee College State Park (4 p.m. closing)

Kankakee River State Park (open November 18 and December 1 and from Wednesday after the fee pheasant season for 5 days, closed Mondays, Tuesdays, December 25 and January 1; 9 a.m. to 3 p.m.; drawing to fill hunter quota; only shot size No. 5 lead or No. 3 steel or smaller may be used; quail may not be harvested)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season)

Kickapoo State Park (8 a.m. to 4 p.m.; closed during firearm deer season)

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lee County Conservation Area (open for quail and rabbit hunting on Monday and Tuesday during the fee pheasant season; open for cock pheasant hunting for two days following the close of fee pheasant season)

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Mackinaw River State Fish and Wildlife Area (opens the day after Youth Hunt for 9 consecutive days; rabbits only from the third Saturday in December for 9 consecutive days; 9 a.m. to 4 p.m.)

Marseilles Fish and Wildlife Area (closed during firearm deer season)

Marshall County Conservation Area (closed during firearm deer season)

Mazonia State Fish and Wildlife Area (opens the day after the close of the central zone duck season; open Wednesday through Sunday; 9 a.m. to 3 p.m.; only shot size #5 lead or #3 steel or smaller may be used)

Mermet Lake Conservation Area

Middle Fork State Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; closed during firearm deer season)

Moraine View State Park (open for rabbit hunting on Monday and Tuesday during the fee pheasant season; rabbits, quail and pheasants of either sex may be hunted from the close of fee pheasant season for 3 consecutive days; 8 a.m. to 4 p.m.; hens must be tagged with a DOC tag before leaving area)

Panther Creek Conservation Area

Pike County Conservation Area (Area A closed after November 30; Area C closed after December 15)

Pyramid State Park

Railsplitter State Park (Open only November 27, December 10 and 11; Drawing to fill hunter quota)

Ramsey Lake State Park (Rabbits may be hunted on Mondays and Tuesdays during the fee pheasant season)

Randolph County Conservation Area

Red Hills State Park (opens 8 a.m.)

Saline County Conservation Area (8 a.m. to 4 p.m.)

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Sam Dale Lake Conservation Area (8 a.m. to 4 p.m.)

Sam Parr State Park (8 a.m. to 4 p.m.)

Sanganois Conservation Area

Site M (non-fee area)

Sangchris Lake State Park (open for quail, pheasant and rabbit December 11 and 17; 8:30 a.m. to 4:00 p.m.; rabbit only December 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30 and 31; 12 noon to 4:00 p.m.; drawing to fill hunter quota)

Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Fulton-Knox County zone goose season)

Stephen A. Forbes State Park (8 a.m. to 4 p.m.)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (open November 18 and December 1 and from Wednesday after the fee pheasant season through statewide closing, closed Mondays, Tuesdays, December 25 and January 1; drawing to fill hunter quota; only shot size No. 5 lead or No. 3 steel or smaller may be used)

Weinberg-King State Park

Witowsky State Wildlife Area (rabbit only; closed during firearm deer season)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 apply in this Section, except that falconers are required to wear a cap and outer garment of solid and vivid blaze orange

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only during the upland game season on sites where upland game hunting is in progress.

- b) Statewide falconry regulations (17 Ill. Adm. Code 1590) apply at the following sites (exceptions are in parentheses):

Big Bend State Fish and Wildlife Area

Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season; hunting by falconry methods allowed from day after controlled pheasant season through the close of statewide quail falconry season)

Mississippi River Pools 16, 17 and 18

Railsplitter State Park (hunting by falconry methods permitted from October 1 through March 31 or until 10 hen pheasants are harvested; falconers must sign in at the site check station before hunting and sign out immediately after hunting and report their harvest)

Sand Ridge State Forest (statewide regulations except that hunting is permitted on Mondays and Tuesdays only during the Controlled Daily Drawing Pheasant Program season. It is unlawful to hunt by falconry methods in the vicinity of pheasant releases as pheasants are being released. Falconry hunters must obtain a free permit from site office before hunting and report harvest by April 15. Failure to report harvest by April 15 will result in loss of hunting privileges the following year.)

Silver Springs State Park (hunting for pheasant, rabbit and quail permitted October 1 through two days before the opening of the site's pheasant season; falconers must obtain a free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year)

Snake Den Hollow Fish and Wildlife Area (hunting permitted from the day after the close of the Fulton-Knox County Zone goose season until the close of the statewide falconry season.

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Sunspot Mine (Fulton and Schuyler Counties)

- c) Cock and hen pheasant, hungarian partridge, bobwhite quail, and rabbit may be taken at the following sites in accordance with 17 Ill. Adm. Code 1590; falconers must obtain a free permit from site office before hunting and return permit and report harvest by February 15; failure to return permit or report harvest will result in loss of hunting privileges the following year (additional site regulations are in parentheses):

Chain O'Lakes State Park (hunting permitted 8:00 a.m. to 4:00 p.m. from the Monday after the non-fee season through January 31 except closed Christmas Day; obtain permit from site office Monday through Friday 8:00 a.m. to 4:00 p.m.)

Eagle Creek State Park (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Eagle Creek Wildlife Management Area (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Moraine View State Park (hunting permitted October 1 through two days before the pheasant season opens)

Ten Mile Creek Fish and Wildlife Area (hunting permitted from the end of the firearms rabbit season through January 31)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

- a) ~~Statewide regulations as provided for in this rule for crow hunting apply at the following site (exceptions are in parentheses):~~

~~Mississippi River Pools 16, 17, 18-~~

~~Panther Creek Conservation Area-~~

~~Pike County Conservation Area (July 1 through~~

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~~August 15)~~

~~Sanganois State Wildlife Area (July 1 through August 15; after waterfowl season closes through March 1; non-toxic shot only)~~

~~Sunapeet Mine (Fulton and Schuyler Counties)~~

~~b) Statewide regulations as provided for in this rule for bow hunting apply, except hunting is permitted only during the second portion of the season at the following sites (season dates are in parentheses):~~

~~Anderson Lake Conservation Area (after Waterfowl season closes, but not before December 15, through March 1)~~

~~Big Bend Conservation Area (December 15 through March 1)~~

~~Big River State Forest (December 15 through March 1)~~

~~Lee County Conservation Area (Green River) (January 1 through March 1)~~

~~Trail of Tears State Forest (December 15 through March 1)~~

~~c) All hunters must make a reasonable effort to retrieve all crippled birds. All crows taken must be removed from the site by the hunter.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Design Standards for Slow Rate Land Application of Treated Wastewater

2) Code Citation: 35 Ill. Adm. Code 372

3) Section Numbers: Proposed Action:

372.100	New Section
372.110	New Section
372.200	New Section
372.210	New Section
372.220	New Section
372.230	New Section
372.240	New Section
372.250	New Section
372.300	New Section
372.310	New Section
372.320	New Section
372.400	New Section
372.410	New Section
372.420	New Section
372.430	New Section
372.500	New Section
372.510	New Section

4) Statutory Authority: Implementing and authorized by Sections 4(h) and 39(a) of the Illinois Environmental Protection Act (415 ILCS 5/4(h) and 39(a)) and by 35 Ill. Adm. Code 309.262.

5) A Complete Description of the Subjects and Issues Involved: These rules establish standards for the design of wastewater treatment and disposal systems wherein treated wastewater from domestic sources is sprayed or otherwise applied to the surface of the land ("slow-rate land application"). These rules, which are intended to be used by the Agency as the basis for its review of permit applications for land application treatment systems, set out requirements for site selection, equipment design, treatment and storage of wastewater prior to application, flow measurement, and groundwater monitoring.

6) Will this proposed rule replace an emergency rule currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date?
No
- 8) Does this proposed rule contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule does not create or enlarge a mandate under Section 3 of the State Mandates Act (30 ILCS 805/3).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on the rule within 45 days of the date of this publication. Written comments should be directed to:
Ward Akers
Division of Water Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield Illinois 62794-9276
(217) 782-0610
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Land developers; municipalities with populations under 2,500; not for profit recreational camps (scouts, church groups, disadvantaged children, etc.).
- B) Reporting, bookkeeping or other procedures required for compliance: None.
- C) Types of professional skills necessary for compliance: Professional engineering.

The full text of the Proposed Rule begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 372
ILLINOIS DESIGN STANDARDS FOR SLOW RATE LAND
APPLICATION OF TREATED WASTEWATER

SUBPART A: INTRODUCTION

Section	Purpose
372.100	Scope and Applicability
372.110	

SUBPART B: SITE SELECTION CONSIDERATIONS

Section	General
372.200	Site Location
372.210	Hydrogeology and Soils
372.220	Buffer Zone
372.230	Loading Factors on Application Fields
372.240	Project Layout
372.250	

SUBPART C: APPLICATION SYSTEM

Section	Equipment Design
372.300	Runoff Control
372.310	Application Area Access Control
372.320	

SUBPART D: PRE-APPLICATION TREATMENT AND STORAGE

Section	Degree of Treatment Required Relative to Application Area
372.400	Preapplication Treatment Plant Design
372.410	Storage
372.420	Treatment and Storage Area Access Control
372.430	

SUBPART E: MONITORING REQUIREMENTS

Section	Groundwater Monitoring
372.500	System Flow and Stored Volume Measurement
372.510	

AUTHORITY: Implementing and authorized by Sections 4(h) and 39(a) of the Environmental Protection Act, (415 ILCS 5/4(h) and 39(a)) and 35 Ill. Adm. Code 309.262.

SOURCE: Adopted at 18 Ill. Reg. ____, effective ____.

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SUBPART A: INTRODUCTION

Section 372.100 Purpose

The purpose of this Part is to establish design standards and permit application requirements for wastewater treatment systems for wastewater treatment systems involving the non-discharging low-rate application of wastewater to land.

Section 372.110 Scope and Applicability

- a) These design standards apply to non-discharging low-rate land application of secondary and tertiary treated domestic wastewater to land upon which crops, turf or trees are grown. These design standards are to be used in the preparation of all engineering documents.
- b) A preliminary engineering report must be submitted to the Agency for review and approval prior to the preparation and submission of plans and specifications or permit applications.
- c) Detailed design requirements for treatment, transport and storage facilities are contained in 35 Ill. Adm. Code Part 370, Illinois Recommended Standards for Sewage Works.

SUBPART B: SITE SELECTION CONSIDERATIONS

Section 372.200 General

The preliminary engineering report required under subsection 372.110(b) shall address all of the elements contained in this Subpart B, as well as any of the planning elements of Subparts C through E that are applicable to the feasibility of the project for which the preliminary engineering report is submitted.

Section 372.210 Site Location

a) General

The following factors shall be considered in the selection of the site:

- 1) Present and proposed land use regarding residences, buildings, developments, public access areas, for the site and adjoining properties;
- 2) Present and proposed water supply wells;

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3) Surface waters and waterways, wetlands and 10-year floodplains;

4) Subsurface drainage tiles and storm sewers;

5) Abandoned wells and shafts;

6) Buffer zones;

7) Area for expansion of the wastewater treatment and land application systems;

8) Depth to groundwater;

9) Depth to bedrock; and

10) Topography.

b) Well Setback Requirements

The location of the treatment facilities and land application area with respect to wells shall be in conformance with the setback zone requirements of the Illinois Groundwater Protection Act (415 ILCS 5511).

c) Topography

1) Cultivated Fields

Slopes on cultivated fields shall be limited to 4% unless runoff control measures such as berms, collection ditches or check dams are provided.

2) Sodded Fields and Forested Areas

Slopes on sodded fields and forested areas shall be limited to 8% unless runoff control measures such as berms, collection ditches or check dams are provided.

3) Steep Slopes

For slopes steeper than those covered under subsections (c)(1) and (2) above, the engineering documents shall include the runoff control measure recommendations of the Soil Conservation Service (SCS) or county soil conservation district.

d) Location to Surface Water

Treated wastewater shall not be applied or discharged to wetlands, streams, waterways or other surface waters. Floodplains which have a

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flood return frequency of less than 10 years shall not be used for land application unless alternate application sites or additional lagoon storage is provided. Storage shall be designed in accordance with Section 372.420.

e) Depth to Groundwater

The system design shall be based on rational calculations that take into account that treated wastewater is not to be applied when groundwater is within 4 feet of the ground surface. The design shall include storage capacity for such high groundwater periods and such periods shall be accounted for in the computation of the available treated wastewater application days. The design shall also take into account the effect that the application of additional water will have on groundwater levels.

f) Depth to Bedrock

For land application of treated wastewater the proposed site shall have a minimum of 10 feet of earth cover over bedrock, unless the preapplication treatment system complies with Section 372.400(b).

Section 372.220 Hydrogeology and Soils

a) General

The engineering documents shall contain information on location, geology, groundwater, soil characteristics, ground slopes, area for expansion, and any other factors that will affect the feasibility and acceptability of the proposed land application system. Data shall be obtained from available and identified sources or onsite investigations.

b) Geology

Geological conditions present at the land treatment site and their potential effects, including depth to bedrock, thickness of surficial deposits, and the presence of any special conditions must be described. The major geological factors which shall be considered are:

1) Structure, weathering and fracturing of bedrock;

2) Lithology;

3) Texture; and

4) Soil profile.

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c) Groundwater

The following data and information for the proposed site shall be provided:

1) Depth to the seasonal high groundwater table and the duration of seasonal variations;

2) Identification and depth to each aquifer;

3) Direction of groundwater movement and the location of any points of groundwater resurfacing;

4) A chemical analysis of the existing groundwater quality for those parameters set out in Section 372.500(d) which may be affected by the application of treated wastewater; and

5) An evaluation of the effects of the applied treated wastewater on groundwater movement and quality.

d) Soil Characteristics

The soil at the proposed site must be evaluated based on on-site surveys and the most up-to-date published soil survey for:

1) Types and texture classifications;

2) Mantle thickness;

3) Chemical characteristics;

4) pH;

5) Nutrient levels including nitrogen and phosphorus;

6) Cation exchange capacity;

7) Subsurface soil characteristics;

8) Soil borings to a minimum depth of 10 feet; and

9) Permeability of the most impermeable layer of the soil mantle at each soil boring location.

Section 372.230 Buffer Zone

a) Non-Spray Surface Application

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For non-spray surface application of treated wastewater using gated pipes or equivalent methods, the area wetted by the treated wastewater shall not encroach on any wetlands, streams, waterways, surface waters, or public road rights of way.

b) Spray Irrigation

For spray irrigation of treated wastewater, the outer edge of the area wetted by the spray mist shall not be closer than 50 feet from any residential lot line including application under design maximum wind conditions with peripheral spray units operating (refer to Section 370.300(c)(1)(C)). The outer edge of the area wetted by spray mist shall not encroach on any wetlands, streams, waterways or other surface waters or public road rights of way under design maximum wind conditions. The engineering document shall provide engineering data for the spray equipment specified on design pressure, wind velocity, height of the spray, spray mist drift distances at design operating pressures and wind velocities with peripheral spray units operating.

Section 372.240 Loading Factors on Application Fields

a) General

The size of the application area shall be based on the limiting characteristic of the treated wastewater and the site. Balances shall be calculated and submitted for water, nitrogen, phosphorus, and BOD₅. Loading rates must be established for each parameter. The critical loading rate will determine the application area required.

b) Water Balance

1) The water balance for the application site shall include the applied treated wastewater, runoff from adjacent areas, precipitation, evapotranspiration, permeability, groundwater recharge rate and effect on water table depth and subsurface tile drainage. The system shall be designed so that runoff does not occur as a result of treated wastewater application. Treated wastewater shall not be applied during precipitation events; however, runoff in response to precipitation is acceptable. The water balance shall be calculated on a rational basis for each month and exclude the days on which application cannot occur due to rainfall, frozen or wet ground conditions, cropping practices, high groundwater conditions or wind in excess of design conditions.

2) The design shall provide for alternate wetting and drying periods in order to maintain aerobic conditions in the topsoil, as well as to maintain a viable cover crop.

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3) The design daily percolation rate shall not exceed 10% of the minimum soil permeability at the site. The percolation rate calculations shall exclude the days on which application cannot occur due to rainfall, frozen or wet ground conditions, cropping practices, high groundwater conditions or wind in excess of design conditions.

c) Nitrogen Balance

1) On an annual basis, the total nitrogen applied in the treated wastewater shall be within agronomic rates and shall be accounted for by crop uptake, volatilization, denitrification, adsorption, mineralization and metal precipitation. Any application of chemical fertilizer must be accounted for in the design.

2) Land application areas shall be managed according to normal agricultural and horticultural practices, including but not limited to cultivated farmland with harvest, fallow land, set-aside programs, pasture land, golf courses, sod farms, urban parks, or forest preserves.

Section 372.250 Project Layout

A single topographic map of the proposed project and the area within 2,500 ft. of the project shall be submitted as a part of the engineering design. Segmented maps may be provided for large projects. The topographic map shall show the following information:

- a) Application area boundaries including buffer zones;
- b) Treatment and storage facilities;
- c) Piping and layout of the irrigation system;
- d) Present and proposed land use regarding residences, buildings, developments, public access areas, etc;
- e) Present and proposed water supply wells and abandoned wells and shafts;
- f) Direction of groundwater movement and any points of groundwater resurfacing;
- g) Surface waters and waterways, wetlands and 10-year floodplains;
- h) Subsurface drainage tiles and storm sewers; and
- i) Slopes of the application areas.

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SUBPART C: APPLICATION SYSTEM

Section 372.300 Equipment Design

a) General Requirements

- 1) The design of all application systems shall provide facilities to assure uniform distribution of the treated wastewater over the disposal area.
- 2) Sufficient spare equipment and parts shall be available to assure continuity of application during application periods.
- 3) A single irrigation pumping unit may be utilized if a spare pump in working condition is available in dry storage.
- 4) The design shall provide for draining all pipes and equipment to prevent freeze damage.

b) Non-Spray Surface Application Systems

Non-spray surface application systems which provide for even distribution of wastewater effluent on the land site may be utilized, including ridge and furrow, gated pipe, or equivalent systems. These systems may be mobile or fixed on the site. They shall be designed to minimize clogging and to allow for ease of maintenance.

c) Spray Irrigation Systems

1) Spray Equipment

- A) Fixed head systems and center pivot rigs may be utilized. A permanent connection point must be provided for each setting of moveable spray irrigation equipment. The design shall include provisions for shutting off the peripheral spray heads to prevent drift of spray beyond the application area under design wind conditions.

- B) The irrigation system controls shall be simple and be protected from lightning damage.

- C) The design maximum wind velocities shall be 15 MPH in urban and residential areas and 25 MPH in agricultural areas.

2) System Pressure

Spray systems utilizing a pressure greater than 50 psi at the spray nozzle shall be limited to agricultural or forested areas that do not have general public access.

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3) Nozzle Pressure Regulation

Regulation of nozzle pressure to compensate for field elevations and line losses shall be provided.

Section 372.310 Runoff Control

The design shall provide for control of the application intensity to prevent runoff in response to treated wastewater application on all parts of the application field. In order to minimize runoff during precipitation events, the exclusion of runoff from adjacent areas shall be considered.

Section 372.320 Application Area Access Control

The entire application area and buffer area shall be posted at 100 yard intervals around the perimeter identifying the area as a "Treated Wastewater Application Area". The application area shall be fenced to prevent access by children and unauthorized personnel unless the pretreatment provided meets the urban area pretreatment requirements of Section 372.400(b) or the land application system is located in an agricultural area or a forested area that does not have general public access.

SUBPART D: PRE-APPLICATION TREATMENT AND STORAGE

Section 372.400 Degree of Treatment Required Relative to Application Area

a) Agricultural Areas

Agricultural or forested areas that do not have public access shall provide at a minimum a two cell lagoon system or a mechanical secondary treatment facility.

b) Urban Areas

Urban parks, forest preserves and golf courses and other areas with public access shall utilize as a minimum a two cell lagoon system with tertiary sand filtration and disinfection or a mechanical secondary treatment facility with disinfection.

Section 372.410 Preapplication Treatment Plant Design

a) Design and Construction Requirements

All preapplication treatment systems shall be designed and constructed in accordance with 35 Ill. Adm. Code Part 370, Illinois Recommended Standards for Sewage Works.

b) Screening

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All treatment systems except those requiring tertiary filtration must have a screening device sized to minimize plugging of the spray nozzles following the storage lagoon prior to the irrigation distribution system.

Section 372.420 Storage

a) Storage Volume

Adequate storage shall be provided for all land application systems based on a rational design which must include capacity for the wettest year with a 20-year return frequency. The minimum storage volume shall not be less than 150 days at design average flow except that in southern Illinois areas, defined as Interstate 70 highway and south, a minimum of 120 days storage volume shall be provided. The volume provided shall be sufficient to hold flows received during the following periods:

- 1) When the soil is frozen, including subsoil frost layers.
- 2) When there is an ice or snow cover on the ground;
- 3) When the soil temperature at 4" depth is less than 40°F or the mean air temperature is less than 35°F.
- 4) When the ground is saturated or there is standing water (as from late winter snowmelt or spring rains);
- 5) When the groundwater table is within 4 feet of the surface;
- 6) During days when precipitation exceeds 0.1 inch;
- 7) During agricultural and horticultural practices;
- 8) During days set aside for equipment maintenance; and
- 9) During days when the design maximum wind velocity is exceeded.
- 10) When the soil is barren, except for seeded areas, areas with growing crops, or areas with a trashy cover to prevent erosion.

b) Design and Construction Requirements

The storage lagoon must be designed and constructed in accordance with 35 Ill. Adm. Code Part 370, Illinois Recommended Standards for Sewage Works.

Section 372.430 Treatment and Storage Area Access Control

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The entire treatment and storage lagoon area shall be enclosed with fencing to preclude livestock and prevent access by the general public. Warning signs shall be posted at 100-yard intervals on exterior fences designating the area as a "Wastewater Treatment Facility". A vehicle access gate of sufficient width to accommodate mowing equipment and maintenance vehicles shall be provided. All access gates shall be provided with locks.

SUBPART E: MONITORING REQUIREMENTS

Section 372.500 Groundwater Monitoring

a) General

- 1) Saturated zone groundwater monitoring shall be provided for all land application systems. A minimum of three groundwater monitoring wells must be provided, one upgradient for determining background concentrations and two downgradient in the dominant direction of groundwater movement from the land application system.

- 2) Provision shall be made for sampling of the discharge from any drainage tiles underlying the application area.

b) Potable Water Supply Wells

Where the project site is within 1,000 feet of existing potable water wells but the wells are outside the minimum setback zone of the Illinois Groundwater Protection Act, 415 ILCS 55/1, groundwater monitoring wells must be provided between each potable water well and the land application system.

c) Monitoring Well Design

The monitoring wells shall be constructed with provisions for sampling at the surface of the watertable and at 5 feet below the water table at each monitoring site.

d) Testing and Monitoring Equipment

Provision shall be made for testing groundwater for nitrates, ammonia, nitrogen, chlorides, sulfates, pH, total dissolved solids, phosphate, and coliform bacteria. Testing shall be performed in accordance with 40 CFR 136 (1992) (no later amendments or editions), and may be done either at an onsite laboratory or through a contractual arrangement with an offsite laboratory.

Section 372.510 System Flow and Stored Volume Measurement

a) System Flows

ENVIRONMENTAL PROTECTION AGENCY

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Plant influent and effluent irrigation flow measurement shall be provided. Flow measurement shall not be less than elapsed time meters used in conjunction with pumping rate tests or calibrated weirs. All flow measurement equipment shall be sized to function effectively in the full range of flows expected and shall be protected against freezing.

b) Stored Volume Measurement

A staff gauge shall be provided in the storage lagoon located near the draw-off structure and must be easily read from the lagoon dike.

c) Monitoring Systems

Monitoring equipment for wastewater application sites shall include equipment for measuring air temperature, soil temperature, precipitation, wind speed and direction, and depth to groundwater.

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sale of Bonds
- 2) Code Citation: 77 Ill. Adm. Code 1400
- 3) Section Numbers: Proposed Action:

1400.10	Amendment
1400.20	Repeal
1400.30	Repeal
1400.110	Amendment
1400.TABLE A	Repeal
1400.TABLE B	Repeal
- 4) Statutory Authority: Implementing Section 4.17 and authorized by Section 4.01 of the Illinois Health Facilities Authority Act [20 ILCS 3705/4.01 and 20 ILCS 3705/4.17]
- 5) A Complete Description of the Subjects and Issues Involved: Section 4.17 of the Illinois Health Facilities Authority Act (the "Act") authorizes the Illinois Health Facilities Authority (the "Authority") to charge to and apportion among institutions seeking financing through the Authority under the Act the Authority's administrative costs and expenses through application, annual and other fees. The Authority proposes to lower both the initial application fee and the annual fees that it charges to such institutions.
- 6) Will the proposed amendments replace an emergency rule currently in effect? No.
- 7) Do the proposed amendments contain an automatic repeal date? No.
- 8) Do the proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested parties may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Illinois Health Facilities Authority, 35 East Wacker Drive, Suite 2188, Chicago, Illinois 60601, Attention: Executive Director. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date Proposed Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 16, 1994.

B) Types of Small Businesses Affected: To the extent that the proposed amendments affect small businesses, they should have a favorable impact by reducing the cost of financing obtained through the Authority.

C) Reporting, bookkeeping or other procedures required for compliance: No new requirements.

D) Types of professional skills necessary for compliance: No new professional skills are needed.

The full text of the proposed amendments begins on the next page:

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER III: HEALTH FACILITIES AUTHORITY

PART 1400
SALE OF BONDS

Section
1400.5
1400.10

Fees and Costs Applicable to the Sale of Bonds
Authority Fee-Application (Except for short-term
Equipment Financings equal to or less than
\$3,000,000 and utilizing standardized legal
documents) Initial

1400.20

Authority Fee-Application (For short-term Equipment
Financings equal to or less than \$3,000,000 and
utilizing standardized legal documents) (Repealed)
Payment of Authority Fee (Repealed)

1400.30

Financial Feasibility Costs

1400.40

Bond Rating Agency Fees

1400.50

Printing Costs

1400.60

Bond Counsel

1400.70

Trustee Fees

1400.80

Title Insurance

1400.90

Payment of Fees and Costs

1400.100

Authority's Annual Fee

1400.110

Authority Application (Except for short-term
financing etc.) (Repealed)

1400.TABLE A

Authority Application Fee (For short-term financing
etc.) (Repealed)

1400.TABLE B

Authority Application Fee (For short-term financing
etc.) (Repealed)

AUTHORITY: Implementing Section 4.17 and authorized by Section
4.01 of the Illinois Health Facilities Authority Act (Ill. Rev.
Stat. 1983, ch. 111-2/3, pars. 1104.17 and 1104.01) [20 ILCS
3705/4.17 and 20 ILCS 3705/4.01].

SOURCE: Adopted at 3 Ill. Reg. 38, p.213, effective September 21,
1979; amended at 6 Ill. Reg. 5507, effective April 19, 1982;
codified at 8 Ill. Reg. 18471; amended at ___ Ill. Reg. ___,
effective ___, 1994.

Section 1400.10 Authority Fee - Application (Except for short-
term Equipment Financings equal to less than \$3,000,000 and
utilizing standardized legal documents) Initial.

This fee schedule is found in Table A: a) Except with respect to
equipment financings and financings involving multiple,

ILLINOIS HEALTH FACILITIES AUTHORITY

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unaffiliated borrowers, the Authority's initial fee for a proposed financing transaction is determined by the principal amount of the proposed financing, as provided in the following table:

Principal Amount of Proposed Financing	Amount of Initial Fee
Up to \$5,000,000	\$20,000
\$5,000,001 to \$25,000,000	\$20,000 plus 0.075% of the principal amount in excess of \$5,000,000
\$25,000,001 to \$75,000,000	\$35,000 plus 0.06% of the principal amount in excess of \$25,000,000
Over \$75,000,000	\$65,000

b) The initial fee is payable as follows:

- 1) 5% of the initial fee is payable following the organizational meeting relating to the proposed financing;
- 2) 50% of the initial fee is payable following the issuance of the Preliminary Official Statement or other offering document related to the proposed financing; and
- 3) 45% of the initial fee is payable upon the closing of the financing.

c) Upon the effectiveness of this rule, the Authority shall, with respect to all initial fees due and payable after January 1, 1994, credit against the unpaid amount thereof the difference (the "Fee Difference") between the aggregate amount of such fees payable prior to the effectiveness of this rule and the aggregate amount of such fees payable after the effectiveness of this rule; provided that, if the initial fees due and payable after January 1, 1994 by an institution in respect of a financing

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have been paid in full, the Authority shall refund the fee difference to such institution.

(Source: Amended at ___ Ill. Reg. ___, effective ___, 1994.)

Section 1400.20 Authority Fee - Application (For Short-term Equipment Financings equal to or less than \$3,000,000 and standardized legal documents) (Repealed)

This fee schedule is found in Table B.

(Source: Repealed at ___ Ill. Reg. ___, effective ___, 1994.)

Section 1400.30 Payment of Application Fee (Repealed)

The Authority's application fee is payable as follows:

- a) 5% of the fee is payable with the application.
- b) If the project is determined to be financially feasible, and, the applicant agrees to proceed with the financing, the balance of the fee is due in two installments:
 - 1) 50% of the fee is due when financial feasibility is determined by the Authority.
 - 2) 45% of the fee is due when the bond sale is closed or, if the Authority determines either that bonds will not be sold on a reasonable schedule or that, having been sold, the sale of bonds will be closed on a reasonable schedule, upon request of the Authority.

e) The 5%, 50% and 45% installments apply only to the extent that the direct costs incurred do not exceed the portion of the application fee due. If a financing is aborted at any stage, the institution will pay the excess of total direct costs incurred over the cumulative application fees collected.

(Source: Amended at 6 Ill. Reg. 5507, effective April 19, 1982)

(Source: Repealed at ___ Ill. Reg. ___, effective ___, 1994.)

ILLINOIS HEALTH FACILITIES AUTHORITY

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Section 1400.110 Authority's Annual Fee.

in addition to the application and processing fee set forth above, the Illinois Health Facilities Authority Act under which the Authority is created requires that the Authority charge each institution which is financed through the Authority a prorata portion of the Authority's operating expenses. The Authority's annual fee is presently .05% of the outstanding principal amount of bonds under each issue (except equipment financing). The Authority's annual fee for equipment is .036% of the outstanding principal amount of notes under each issue. a) Each institution which obtains financing through the Authority shall pay an annual fee to the Authority. Except with respect to equipment financings and financings involving multiple, unaffiliated borrowers, the annual fee payable by an institution shall equal 0.025 percent of the outstanding principal balance of such institution's financing from the Authority, provided, however, such fee shall not exceed \$15,000 per year per issue.

b) Upon the effectiveness of this rule, the Authority shall, with respect to all annual fees due and payable after January 1, 1994, credit against the unpaid amount thereof the difference (the "Annual Fee Difference") between the aggregate amount of such fees payable prior to the effectiveness of this rule and the aggregate amount of such fees payable after the effectiveness of this rule; provided that, if the annual fees due and payable after January 1, 1994 by an institution have been paid in full, the Authority shall refund the Annual Fee Difference to such institution.

(Source: Amended at ___ Ill. Reg. ___, effective ___, 1994.)

Section 1400.110 Authority Application (Except for short-term financing etc.) (Repealed)

BOND ISSUE AUTHORITY FEE

Under \$500,000 Individually determined

\$ 500,000	\$ 999,999	\$12,000
1,000,000	1,499,999	13,000
1,500,000	1,999,999	14,000
2,000,000	2,499,999	14,750
2,500,000	2,999,999	15,500

ILLINOIS HEALTH FACILITIES AUTHORITY

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3,000,000	3,499,999	16,250
3,500,000	3,999,999	17,000
4,000,000	4,499,999	17,750
4,500,000	4,999,999	18,500
5,000,000	5,499,999	19,250
5,500,000	5,999,999	20,000
6,000,000	6,499,999	20,750
6,500,000	6,999,999	21,500
7,000,000	7,499,999	22,250
7,500,000	7,999,999	23,000
8,000,000	8,499,999	23,750
8,500,000	8,999,999	24,500
9,000,000	9,499,999	25,250
9,500,000	9,999,999	26,000
10,000,000	10,499,999	26,750
10,500,000	10,999,999	27,000
11,000,000	11,499,999	27,250
11,500,000	11,999,999	27,500
12,000,000	12,499,999	27,750
12,500,000	12,999,999	28,000
13,000,000	13,999,999	28,250
14,000,000	14,999,999	28,500
15,000,000	15,999,999	28,750
16,000,000	16,999,999	29,500
17,000,000	17,999,999	30,150
18,000,000	18,999,999	30,800
19,000,000	19,999,999	31,500
20,000,000	20,999,999	32,200
21,000,000	21,999,999	32,800
22,000,000	22,999,999	33,500
23,000,000	23,999,999	34,100
24,000,000	24,999,999	34,800
25,000,000	25,999,999	35,500
26,000,000	26,999,999	36,100
27,000,000	27,999,999	36,800
28,000,000	28,999,999	37,400
29,000,000	29,999,999	38,100
30,000,000	30,999,999	38,700
31,000,000	31,999,999	39,400
32,000,000	32,999,999	40,000
33,000,000	33,999,999	40,700
34,000,000	34,999,999	41,400
35,000,000		Individually determined

ILLINOIS HEALTH FACILITIES AUTHORITY

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Fees for financings of less than \$500,000 or more than \$35,000,000 are based upon the cost incurred by the Authority in processing prior financings of a similar type and size and the Authority's charges in such prior financings. In order to effectuate the Authority's purpose as a public body established to assist health facilities, other considerations will be evaluated in establishing the fees for the financings of less than \$500,000.

(Source: Amended at 6 Ill. Reg. 5507, effective April 19, 1992)

(Source: Repealed at Ill. Reg. , effective , 1994.)

Section 1400.TABLe B Authority Fee (For short-term financing etc.) (Repealed)

ISSUE SIZE	AUTHORITY FEE
0 - \$ 549,999	\$ 5,000
\$ 550,000 - \$ 999,999	\$ 5,500
\$1,000,000 - \$1,499,999	\$10,000
\$1,500,000 - \$1,999,999	\$13,200
\$2,000,000 - \$2,499,999	\$14,000
\$2,500,000 - \$3,000,000	\$17,200
\$3,000,000 - \$3,500,000	\$22,000
\$3,500,000 - \$4,000,000	\$24,000

For an issue size of \$500,000 to \$1,000,000 the fee would be \$500 per \$50,000 financed and for an issue of \$1,000,000 to \$2,500,000 the fee would be \$10,000 plus \$800 per \$100,000. Equipment financings that exceed an issue size of \$3,000,000 will have an Authority fee assessed in accordance with the table A. Authority Fee Application Fee Schedule.

In the event that the financing is for a line of credit with multiple drawdowns the institution's fee would be calculated on the drawdown amount plus 5% of the fee on the line of credit. However, the cumulative fees collected on the drawdowns could not exceed the fee calculated on the total line of credit.

(Source: Amended at 6 Ill. Reg. 5507, effective April 19, 1982)

(Source: Repealed at Ill. Reg. , effective , 1994.)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Proposed Action:
112.110 Amendment
112.151 Amendment

4) Statutory Authority: Article IV and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/Art. 4 and 5/12-13]

5) Complete Description of the Subjects and Issues Involved:

These proposed amendments address the way disaster relief payments are considered in determining eligibility and the amount of assistance provided under Aid to Families with Dependent Children.

Under these amendments, disaster relief payments will not be considered as either income or as an asset. Section 112.110 is being amended to add disaster relief payments to the list of types of exempt unearned income and Section 112.151 is being amended to add these payments to the list of exempt assets. These changes will benefit individuals who could have been considered ineligible for assistance, or had the amount of their assistance reduced, as a result of disaster relief payments. The number of disaster relief payments as a result of the 1993 floods has increased the significance of these changes.

Related changes are being proposed in the rules governing Aid to the Aged, Blind, or Disabled (89 Ill. Adm. Code 113), General Assistance (89 Ill. Adm. Code 114) and Food Stamps (89 Ill. Adm. Code 121).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.70	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.71	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.72	Amendment	February 25, 1994 (18 Ill. Reg. 2753)

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Sections Proposed Action Illinois Register Citation

112.74	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.76	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.77	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.78	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.79	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.80	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.81	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.82	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.83	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.84	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.85	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.98	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.130	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.131	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.140	Amendment	February 18, 1994 (18 Ill. Reg. 2587)
112.141	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.142	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.143	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.144	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.145	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.147	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.151	Amendment	February 18, 1994 (18 Ill. Reg. 2587)
112.155	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.252	Amendment	December 31, 1993 (17 Ill. Reg. 22247)
112.253	Amendment	December 31, 1993 (17 Ill. Reg. 22247)
112.254	Amendment	December 31, 1993 (17 Ill. Reg. 22247)
112.300	Amendment	February 18, 1994 (18 Ill. Reg. 2587)
112.302	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.350	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.352	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.354	Amendment	November 12, 1993 (17 Ill. Reg. 19436)
112.356	Amendment	November 12, 1993 (17 Ill. Reg. 19436)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

DEPARTMENT OF PUBLIC AID

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12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	
112.1	Description of the Assistance Program
112.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
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SUBPART C: PROJECT CHANCE

Section	
112.70	Participation Requirements For Project Chance
112.71	Individuals Exempt From Project Chance
112.72	Project Chance Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Initial Assessment Process/Development of an Employability Plan
112.76	Project Chance Orientation
112.77	Conciliation and Fair Hearings
112.78	Project Chance Components
112.79	Project Chance Sanctions
112.80	Good Cause for Failure to Comply With Project Chance Participation Requirements
112.81	Responsible Relative Eligibility For Project Chance

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112.82 Project Chance Supportive Services
112.83 Young Parents Program
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance
112.87	Project Advance Experimental and Control Groups
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump Sum Payments
112.128	Protected Income
112.130	Earned Income
EMERGENCY	
112.131	Earned Income Tax Credit
EMERGENCY	
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision

DEPARTMENT OF PUBLIC AID

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112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
EMERGENCY	
112.142	Exclusion From Earned Income Exemption
EMERGENCY	
112.143	Recognized Employment Expenses
EMERGENCY	
112.144	Income From Work/Study/Training Program
EMERGENCY	
112.145	Earned Income From Self-Employment
EMERGENCY	
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
EMERGENCY	
112.148	Payments from the Illinois Department of Children and Family Services

112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	AFDC Income Limit
EMERGENCY	

SUBPART H: PAYMENT AMOUNTS

Section

112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section

112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting

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112.303	Retrospective Budgeting
112.304	Budgeting Schedule

DEPARTMENT OF PUBLIC AID

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112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section	Child Care
112.350	Child Care Eligibility
EMERGENCY	
112.352	Qualified Provider
EMERGENCY	
112.354	Notification of Available Services
EMERGENCY	
112.356	Participant Rights and Responsibilities
EMERGENCY	
112.358	Additional Service to Secure or Maintain Child Care Arrangements
112.362	Rates of Payment for Child Care
112.364	Method of Providing Child Care
112.366	Non-JOBS Education and Training Program
112.370	

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility
112.404	Duration of Eligibility for Transitional Child Care
112.406	Loss of Eligibility for Transitional Child Care
112.408	Qualified Child Care Providers
112.410	Notification of Available Services
112.412	Participant Rights and Responsibilities
112.414	Child Care Overpayments and Recoveries
112.416	Fees for Service for Transitional Child Care
112.418	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

12-13) [305 ILCS 5/Art. 4-1 and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1,

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1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective

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May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency

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amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.110 Exempt Unearned Income

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment:

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- d) Any funds distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, P.L. 94-114 or P.L. 94-540;
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
- f) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title II of the Domestic Volunteer Service Act, as amended (42 U.S.C. 4951 et seq.);
- g) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Ill. Rev. Stat. 1991, ch. 67 1/2, par. 404 (c)). This includes both the benefits commonly known as the circuit breaker and additional grants;
- h) Payments to volunteers under the 1973 Domestic Volunteer Service Act (48 U.S.C. 5044 (q)). These include:

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Section 112.110(h) (continued)

- 1) Vista Volunteers;
- 2) Volunteers serving as senior health aids, senior companions, or foster grandparents;
- 3) Persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives (ACE);
- i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act;
- j) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections (a) through (i) above), of up to \$30 per person per quarter;
- k) Social Security death benefit expended on a funeral and/or burial;
- l) The value of home produce which is used for personal consumption;
- m) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 U.S.C. 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1760);
- n) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626);
- o) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 (f));
- p) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected, in a month;
- q) Payments received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8);
- r) Payments received under Title II of P. L. 100-383 of the Aleutian and Pribil of Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8);
- s) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum

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Section 112.110(s) (continued)

- payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
- t) Payments received under the Radiation Exposure Compensation Act;
 - u) Federal subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974, effective January 1, 1975, of the U.S. Housing Act of 1937, as amended;
 - v) Payments from the principal or trust of a trust fund made to or on behalf of a dependent child when the court orders the money released for a specific purpose other than the income maintenance needs of the child;
 - w) Adoption subsidy on foster care payments received from the Department of Children and Family Services (DCFS);
 - x) Supportive Service payments made by Project Chance to any Project Chance participant (Section 112.82); and
 - y) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to Section 2605(f) of P.L. 97-35; and
 - z) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 112.151 Exempt Assets

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
 - 1) A home which is the usual residence of the assistance unit.
 - 2) Clothing, personal effects and household furnishings.
 - 3) One automobile if the equity value does not exceed \$1500.
 - 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).
 - 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).

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Section 112.151(a) (continued)

- 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as amended, and the special food service program for children under the National School Lunch Act (42 U.S.C. 1751 et seq.), as amended.
- 7) The principal and interest of a trust fund which, upon petition, the court refuses to release and one time only payments released for a specific purpose other than income maintenance needs of the child.
- 8) Burial plots.
- 9) Prepaid Funeral Agreements worth \$1500 or less per person.
- 10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

b) In addition to the above, the following assets are exempt. The assets listed in this subsection (b) ~~These assets listed in~~ ~~subsections (1) through (10) below~~ remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset or assets ~~asset(s)~~ until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.

- 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
- 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 U.S.C. 3045 et seq.), as amended.
- 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).
- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P. L. 92-254, P. L. 93-134 or P. L. 94-540.
- 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

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Section 112.151(b) (continued)

- 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), effective January 1, 1975, of the U.S. Housing Act of 1937, as amended.
- 7) Effective October 17, 1975, receipts distributed to certain Indian Tribunal members of marginal land held by the United States government.
- 8) Payments to Volunteers under the 1973 Domestic Volunteer Service Act (42 U.S.C. 4951 et seq.). These include:
 - A) Volunteers In Service To America (Vista) volunteers (42 U.S.C. 4951 et seq.).
 - B) Volunteers serving as senior health aids, senior companions, foster grandparents or persons serving in the Service Corps of Retired Executives (SCORE) (15 U.S.C. 637 et seq.) and Active Corps of Executives (ACE) (15 U.S.C. 637 et seq.).
- 9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.
- 10) For those individuals who have approved self-employment plans under Section 112.78, business assets must be separate from personal assets. Business assets are those assets that are directly related to producing goods and services that have been purchased after the business begins or as part of an approved self-employment plan (see Section 112.78). Business assets are considered exempt unless it is determined that the equity value (the value for which the asset can be sold less any amount owed on the asset) exceeds \$1,000. If the assets are determined to exceed \$1,000 but are less than \$5,000 the case is to be referred to the Bureau of AFDC Jobs Administration for review to ensure that the assets in excess of \$1,000 are appropriate as business assets. A determination of business assets will be completed two years after the plan is approved.
- 11) Any payments received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).
- 12) Any payment received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

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NOTICE OF PROPOSED AMENDMENTS

Section 112.151(b) (continued)

- 13) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- 14) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
- 15) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

(Source: Amended at 18 Ill. Reg. —, effective —.)

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- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: 113.113
113.141
Proposed Action: Amendment
Amendment
- 4) Statutory Authority: Article III and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/Art. 3 and 5/12-13]

5) Complete Description of the Subjects and Issues Involved:

These proposed amendments address the way disaster relief payments are considered in determining eligibility and the amount of assistance provided under Aid to the Aged, Blind, and Disabled.

Under these amendments, disaster relief payments will not be considered as either income or as an asset. Section 113.113 is being amended to add disaster relief payments to the list of types of exempt unearned income and Section 113.141 is being amended to add these payments to the list of exempt assets. These changes will benefit individuals who could have been considered ineligible for assistance, or had the amount of their assistance reduced, as a result of disaster relief payments. The number of disaster relief payments as a result of the 1993 floods has increased the significance of these changes.

Related changes are being proposed in the rules governing Aid to Families with Dependent Children (89 Ill. Adm. Code 112), General Assistance (89 Ill. Adm. Code 114) and Food Stamps (89 Ill. Adm. Code 121).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
113.253	Amendment	December 17, 1993 (17 Ill. Reg. 21982)
113.260	Amendment	December 17, 1993 (17 Ill. Reg. 21982)

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- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:
- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
 - B) Types of small businesses affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

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113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees

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113.117	Budgeting Earned Income For Non-contractual School Employees
113.118	Termination of Employment
113.120	Exempt Earned Income
113.125	Recognized Employment Expenses
113.130	Income From Work/Study/Training Programs
113.131	Earned Income From Self-Employment
113.132	Earned Income From Roomer and Boarder
113.133	Earned Income From Rental Property
113.134	Earned Income In-Kind
113.139	Payments from the Illinois Department of Children and Family Services
113.140	Assets
113.141	Exempt Assets
113.142	Asset Disregard
113.143	Deferral of Consideration of Assets
113.154	Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
113.155	Property Transfers For Applications Filed On Or After October 1, 1989
113.156	Court Ordered Child Support Payments of Parent/Step-Parent
113.157	Sponsors of Aliens
113.160	Assignment of Medical Support Rights
SUBPART D: PAYMENT AMOUNTS	
Section	
113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

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SUBPART E: OTHER PROVISIONS	
Section	Persons Who May Be Included In the Assistance Unit
113.300	Grandfathered Cases
113.301	Interim Assistance (Repealed)
113.302	Special Needs Authorizations
113.303	Retrospective Budgeting
113.304	Budgeting Schedule
113.305	Purchase and Repair of Household Furniture (Repealed)
113.306	Property Repairs and Maintenance
113.307	Excess Shelter Allowance
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113.320	Attorney's Fees for VA Appellants
113.330	
SUBPART F: INTERIM ASSISTANCE	
Section	Description of the Interim Assistance Program
113.400	Pending SSI Application
113.405	More Likely Than Not Eligible for SSI
113.410	Non-Financial Factors of Eligibility
113.415	Financial Factors of Eligibility
113.420	Payment Levels for Chicago Interim Assistance Cases
113.425	Payment Levels for all Interim Assistance Cases Outside Chicago
113.430	Medical Eligibility
113.435	Attorney's Fees for SSI Applicants
113.440	Advocacy Program for Persons Receiving Interim Assistance
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113.450	Attorney's Fees for SSI Appellants (Renumbered)
113.500	
AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/Art. 3-1 and 5/12-13]	
SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3	

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Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8

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Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg.

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9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.113 Exempt Unearned Income

The following unearned income is exempt from consideration in determining eligibility for assistance and the amount of the assistance payment.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) The value of home produce which is used for personal consumption;
- d) The value of supplemental food assistance received under the Child Nutrition Act of 1966 as amended (42 U.S.C. 1780(b)), and the special food service program for children under the National School Lunch Act as amended (42 U.S.C. 1760);
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended, (42 U.S.C. 3045 et seq.);
- f) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- g) Any funds distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, or P.L. 94-540;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.113 (continued)

- h) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.);
- i) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
- j) Payments to Volunteers under the 1973 Domestic Volunteer Service Act (48 U.S.C. 5044(q)). These include:
 - 1) Vista Volunteers; and
 - 2) Volunteers serving as senior health aides, senior companions, foster grandparents, or persons serving in the Service Corps of Retired Executives (SCOPE) or the Active Corps of Executives (ACE).
- k) Income received under the provisions of the Illinois "Senior Citizens and Disabled Persons Property Tax Relief Act" [xxx ILCS xxxxx] 411, Rev.-Stat.-1991, ch.-67-1/2, pars.-401-et-seq.). This includes both the benefits commonly known as the "circuit breaker" and "additional grants";
- l) Social Security death benefit expended on a funeral and/or burial;
- m) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437(f));
- n) Any payments distributed per capita or held in trust for members of Indian tribes under Section 5 of P.L. 94-114 that became effective October 17, 1975;
- o) SSI lump sum payments received by MANG participants who reside in the community (not residing in a long term care facility, DMHDD facility or other medical facility);
- p) Any adoption subsidy received from DCFS;
- q) Any foster care payment received from DCFS except independent living arrangement payments;
- r) Title IV-E adoption assistance or foster care payment received from a state welfare agency of another state are exempt for MANG;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.113 (continued)

- s) Any payment received from the Self Sufficiency Trust Fund established in accordance with Section 5-118 of the Mental Health and Developmental Disabilities Code [xxx ILCS xxx] ~~ch. 91-1.2, par. 5-118;~~
- t) Any payment received under Title I of P.L. 100-383, the Civil Liberties Act of 1988, which provides that restitution shall be made to United States citizens and permanent resident aliens of Japanese ancestry who were interned during World War II;
- u) Any payment received under Title II of P.L. 100-383, the Aleutian and Pribilof Islands Restitution Act, which provides that restitution shall be made to any Aleut living on the date of enactment of P.L. 100-383 (August 10, 1988) who, as a civilian, was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location during World War II; or who was born while his or her natural mother was subject to such relocation;
- v) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
- w) Payments received under the Radiation Exposure Compensation Act;
- x) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS); and
- y) Earnings, allowances, and payments received under Title I of the National and Community Service Act of 1990.
- z) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 113.141 Exempt Assets

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

- 1) Homestead property
- 2) Personal Property

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.141(a)(2) (continued)

- A) Personal effects extraordinarily and household goods of reasonable value (reasonable value means the client's equity value in such property does not exceed \$2,000). Wedding and engagement rings and items required due to medical or physical condition.
- B) Regardless of the value, personal effects and household goods are exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).
- 3) Resources (for example, ~~e.g.~~ land, buildings, equipment and supplies or tools) necessary for self-support up to \$6,000 of the individual's equity in the income producing property, provided the property produces a net annual income of at least 6% of the excluded equity value of the property. The equity value in excess of \$6,000 is applied toward the asset disregard. If the activity produces income less than 6% of the exempt equity due to reasons beyond the individual's control (for example, the individual's illness or crop failure) and there is a reasonable expectation that the individual's activity will increase to produce income equal to 6% of the equity value (for example, ~~e.g.~~ the medical prognosis is that the individual is expected to respond to treatment or drought resistance corn will be planted), the property is exempt. If the individual owns more than one piece of property and each produces income, each is looked at to see if the 6% rule is met and then the amount of the individual's equity in all of those properties are totalled to see if the total equity is \$6,000 or less.
- 4) Automobile
- A) exclude one automobile, regardless of value, used by the client, spouse, or other dependent if:
 - i) it is necessary for employment;
 - ii) it is necessary for the medical treatment of a specific or regular medical problem;
 - iii) it is modified for operation by or transportation of a handicapped person;
 - iv) it is necessary because of factors such as climate, terrain or distance to provide necessary transportation to perform essential daily activities; or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.141(a)(4)(A) (continued)

- v) one vehicle for each spouse is exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).
- B) if not excluded in subsection (a)(4)(A) above exclude one automobile to the extent the fair market value does not exceed \$4500. Apply the excess fair market value toward the asset disregard (see Section 113.142). The Department will determine fair market value in accordance with 89 Ill. Adm. Code 121.57(b)(2)(D)(iv).

C) for all other automobiles, apply the equity value (fair market value minus any encumbrance) toward the asset disregard (see Section 113.142).

- 5) Life insurance policies with a total face value of \$1,500 or less and all term life insurance policies. If total face value exceeds \$1,500, the cash surrender value must be counted as a resource.

b) Burial spaces and funds are exempt as follows:

- 1) Burial spaces which are intended for the use of the individual, his or her spouse, or any other member of his or her immediate family. Immediate ~~individual~~ family is defined as an individual's minor and adult children, including adopted children and step-children, an individual's brothers, sisters, parents, adoptive parents, and the spouses of these individuals.
- 2) Funds set aside for the burial expenses of the individual and his or her spouse, subject to a limit of \$1,500 each. This limit will be reduced by the face value of any excluded life insurance policy and the amount of any funds held in an irrevocable trust or other irrevocable arrangement which are available for burial expenses.
- 3) Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which occurred the earlier of the date of first SSI eligibility or the date of AABD eligibility, but no earlier than November 1, 1982 (see 20 CFR 416.1231(b)(5)(1989)).
- c) Assets necessary for fulfillment of an approved plan for achieving self support.

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NOTICE OF PROPOSED AMENDMENTS

Section 113.141 (continued)

d) Trust funds are exempt as follows:

- 1) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.
- 2) The principal of a trust fund established under the Self Sufficiency Trust Fund Program (Section 5-118 of the Mental Health and Developmental Disabilities Code [xxx ILCS xxx]) ~~Rev. Stat., 1989, ch. 91-143, par. 5-118.~~
- e) Assets excluded by express provision of 20 CFR 416.1236(1989).
- f) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (for example, ~~evg~~ not available to the client or the responsible relative) over the donations or benefits or the disbursement of donations or benefits.
- g) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- h) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS) and held in a separate account.
- i) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps2) Code Citation: 89 Ill. Adm. Code 1213) Section Numbers: Proposed Action:

121.58 Amendment

4) Statutory Authority: Sections 12-4.4 through 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-13) [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]5) Complete Description of the Subjects and Issues Involved:

These proposed amendments address the way disaster relief payments are considered in determining eligibility and the amount of assistance provided under Food Stamps.

Under these amendments, disaster relief payments will not be considered as an asset. Section 121.58 is being amended to add disaster relief payments to the list of exempt assets. These changes will benefit individuals who could have been considered ineligible for assistance, or had the amount of their assistance reduced, as a result of disaster relief payments. The number of disaster relief payments as a result of the 1993 floods has increased the significance of these changes.

Related changes are being proposed in the rules governing Aid to Families with Dependent Children (89 Ill. Adm. Code 112), Aid to the Aged, Blind, or Disabled (89 Ill. Adm. Code 113) and General Assistance (89 Ill. Adm. Code 114).

6) Will these proposed amendments replace emergency amendments currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
121.182	Amendment	December 27, 1993 (18 Ill. Reg. 21991)
121.182	Amendment	February 14, 1994 (18 Ill. Reg. 2178)
121.188	Amendment	December 27, 1993 (18 Ill. Reg. 21991)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

DEPARTMENT OF PUBLIC AID

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11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umuna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements (Repealed)
121.24	Individuals Exempt From Work Registration Requirements (Repealed)
121.25	Failure to Comply (Repealed)
121.26	Period of Disqualification (Repealed)
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property

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NOTICE OF PROPOSED AMENDMENTS

121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Persons Who May Be Included in the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Direct Mail Issuance of Food Stamp Coupons
121.94	Replacement of Food Stamp Coupons
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Food Stamp Simplified Application Demonstration Project (Repealed)
121.120	Recertification of Eligibility
121.130	Residents of Shelters for Battered Women and their Children
121.135	Incorporation By Reference

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Participation and Cooperation Requirements
121.164 Orientation

121.166 Assessment and Employability Plan
121.170 Job Search Component
121.172 Basic Education Component
121.174 Job Readiness Component
121.176 Work Experience Component
121.178 Job Training Component
121.180 Grant Diversion Component
121.182 Earnfare Component

EMERGENCY

121.184 Sanctions
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Conciliation and Fair Hearings
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-13) [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]

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NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941,

effective May 1, 1986; amended at 10 Ill. Reg. 14602, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of

150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.58 Exempt Assets

a) Homestead Property

1) The home and surrounding property which, exclusive of public rights of way, is not separated from the home by intervening property owned by others.

2) Homes which are temporarily unoccupied for reasons of employment, training for future employment, illness, or inhabitation caused by casualty or natural disaster, remain exempt if the household intends to return.

3) A lot owned or being purchased by the household if the household intends to build or is building a permanent home and the household does not currently own a home.

b) Personal Property

Household goods, personal effects, one burial plot per household member, and the cash value of life insurance policies and pension plans except Individual Retirement Accounts (IRA's) and Keogh plans which do not involve a household member in a contractual relationship with someone who is not a member of the same food stamp household. If the Keogh plan involves a member of the household and someone who is not a member of the same food stamp household, it is exempt unless the client can withdraw funds from the plan without affecting the other individual or individuals individual(s).

c) Income Producing Property

1) Property which is annually producing income consistent with its fair market value (including land or buildings being sold by installment contract), even if only used on a seasonal basis.

2) Property which is essential to the employment or self-employment of a household member, such as, farmland and work related equipment (tools of a tradesman, farm machinery). In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a

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Section 121.58(c)(2) (continued)

farming operation, the value of such property shall be excluded from financial resources until the expiration of the one (1) year period beginning on the date such member ceases to be self-employed in farming.

- 3) A rental home which is used by a household for vacation purposes at sometime during the year is an asset, unless excluded by the preceding subsection (c)(1) above.

d) Governmental Disaster Relief Payments

Disaster relief payments provided by federal, state or local government or a disaster assistance organization. Any governmental payments specifically designated for the restoration of a home damaged in a disaster (if the household is subject to a legal sanction if the funds are not used as intended).

e) Inaccessible Assets

Assets whose cash value is not accessible to the household, such as but not limited to:

- 1) irrevocable trust funds,
- 2) security deposits on rental property and utilities,
- 3) property in probate,
- 4) real property when a good faith effort is being made to sell at a reasonable price, or
- 5) jointly owned assets which cannot be practically subdivided and are accessible only with the consent of the joint owner who refuses to give that consent.
- 6) Non-liquid asset or assets asset(s) (see Section 121.57(b)(2)(B)) which have a lien against it as a result of a business loan and the household is prohibited by the security or lien agreement from selling the asset or assets asset(s).

- 7) Monies received from the Social Security Administration under the PASS Program that are held in a separate account.

f) Prorated Income

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Section 121.58(f) (continued)

Money which has been prorated as income, such as income of self-employed persons or students.

g) Indian Lands

Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

h) Federal Statute Exclusions

Assets excluded for food stamp purposes by express provision of Federal Statute.

i) Licensed Vehicles

- 1) used primarily for producing income such as, but not limited to, a taxi, truck, or fishing boat. "Used primarily" means: used over 50% of the time the vehicle is used;
- 2) annually producing income consistent with its fair market value (even if only used on a seasonal basis);

- 3) necessary for long distance travel essential to employment, other than daily commuting (such as a sales person, migrant farmworker);

- 4) necessary for subsistence hunting or fishing (game and fish necessary for the livelihood of the household);

- 5) used as the household's home; or

- 6) necessary to transport a physically disabled household member regardless of the purpose of such transportation. Only one vehicle per disabled person is allowed. The vehicle need not be specially equipped or used primarily for the transportation of the disabled individual.

*Agency Note: Exclusions 1-6 also apply when the vehicle is not in use because of temporary unemployment.

- 7) The equity value (but not fair market value) of one licensed vehicle per household, regardless of its use; and

- 8) The equity value (but not fair market value) of any other licensed vehicles used to transport household members to and from employment, training or education which is preparatory for

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Section 121.58(i)(8) (continued)

employment, or to seek employment in compliance with job search criteria. Temporary periods of unemployment are not to affect this exemption.

- 9) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under subsections (i)(1), (i)(2) or (i)(3) above.
- j) Assets of an AFDC or SSI household member

All assets of a household member who receives AFDC or SSI benefits provided the assets are exempt for AFDC or SSI purposes.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Numbers: Proposed Action:
 114.210 Amendment
 114.251 Amendment
- 4) Statutory Authority: Article VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/Art. 6 and 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved:

These proposed amendments address the way disaster relief payments are considered in determining eligibility and the amount of assistance provided under General Assistance.

Under these amendments, disaster relief payments will not be considered as either income or as an asset. Section 114.210 is being amended to add disaster relief payments to the list of types of exempt unearned income and Section 114.251 is being amended to add these payments to the list of exempt assets. These changes will benefit individuals who could have been considered ineligible for assistance, or had the amount of their assistance reduced, as a result of disaster relief payments. The number of disaster relief payments as a result of the 1993 floods has increased the significance of these changes.

Related changes are being proposed in the rules governing Aid to Families with Dependent Children (89 Ill. Adm. Code 114), Aid to the Aged, Blind, or Disabled (89 Ill. Adm. Code 113) and Food Stamps (89 Ill. Adm. Code 121).

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
114.351	Amendment	December 31, 1993 (17 Ill. Reg. 22308)
114.352	Amendment	December 31, 1993 (17 Ill. Reg. 22308)
114.353	Amendment	December 31, 1993 (17 Ill. Reg. 22308)

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10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
Not applicable

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.2	Determination of Not Employable
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements (Outside City of Chicago only)
114.61	Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
114.62	Job Service Registration (Outside City of Chicago only)
114.63	Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.64	Responsibility to Seek Employment (Outside City of Chicago only)
114.70	Initial Employment Expenses (Outside City of Chicago only)
114.80	Downstate General Assistance Work and Training Programs
114.85	Downstate General Assistance - Food Stamps Employment and Training Pilot Project
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services

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SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section	
114.120	Employment and Training Requirements
114.121	Persons Required to Participate in Project Chance (Repealed)
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.124	Employment and Training Participation/Cooperation Requirements (Repealed)
114.125	Employment and Training Program Orientation (Repealed)
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.127	Employment and Training Program Components (Repealed)
114.128	Employment and Training Sanctions (Repealed)
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
114.130	Employment and Training Supportive Services (Repealed)
114.135	Conciliation and Fair Hearings (Repealed)
114.140	Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment

114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income For Contractual Employees
114.247	Budgeting Earned Income For Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels for General Assistance
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section	
114.400	Persons Who May Be Included In the Assistance Unit
114.401	Eligibility of Strikers
114.402	Special Needs Authorizations
114.403	Institutional Status
114.404	Retrospective Budgeting
114.405	Budgeting Schedule
114.406	Limitation on Amount of General Assistance to Recipients from Other States
114.420	Redetermination of Eligibility
114.430	Extension of Medical Assistance Due to Increased Income From Employment
114.440	Attorney's Fees for VA Appellants

SUBPART H: CHILD CARE

Section	
114.450	Child Care
114.452	Child Care Eligibility
114.454	Qualified Provider
114.456	Notification of Available Services
114.458	Participant Rights and Responsibilities
114.462	Additional Service to Secure or Maintain Child Care Arrangements
114.464	Rates of Payment for Child Care

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114.466 Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section

- 114.500 Transitional Child Care Eligibility
- 114.504 Duration of Eligibility for Transitional Child Care
- 114.506 Loss of Eligibility for Transitional Child Care
- 114.508 Qualified Provider
- 114.510 Notification of Available Services
- 114.512 Participant Rights and Responsibilities
- 114.514 Child Care Overpayments and Recoveries
- 114.516 Fees for Service for Transitional Child Care
- 114.518 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 6-1 et seq. and 12-13) [305 ILCS 5/Art. 6-1 et seq. and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981;

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peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16552, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987;

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amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April

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21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. , effective February 28, 1994; amended at 18 Ill. Reg. , effective

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.210 Exempt Unearned Income

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- d) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e);
- f) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program (42 U.S.C. 5001) and the Foster Grandparent Program (42 U.S.C. 5011) and Older Americans Community Service Employment Program (42 U.S.C. 3056) established under Title II of the Domestic Volunteer Service Act (42 U.S.C. 5001 thru 5023), as amended;
- g) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [xxx ILCS xxx] [11-Rev-Stat--1989--ch-67-1/2, par-494-(e)]. This includes both the benefits commonly known as the circuit breaker and "additional grants";
- h) Payments Under Certain Federal Programs
 - 1) Any payment to volunteers in programs under Title II of the 1973 Domestic Volunteer Services Act, as amended (42 U.S.C.

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Section 114.210(h)(1) (continued)

5044(q)). Examples of these programs include RSVP, Foster Grandparents and other programs.

- 2) Payments made under Title I (VISTA, University Year for Action and Urban Crime Prevention Program) are exempt only if the individual was receiving public assistance at the time he/she joined VISTA.

- i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Job Training Partnership Act (29 U.S.C. 1501 - 1781).

- j) Any payment received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).

- k) Any payment received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

- l) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921. [Add statutory cite]

- m) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 114.251 Exempt Assets

The following assets are exempt from consideration in determining eligibility for assistance:

- a) Homestead property.
- b) Household furnishings.
- c) Clothing and personal effects.
- d) Motor Vehicle
- 1) One motor vehicle if the equity value does not exceed \$1500.
- 2) Only one vehicle is exempted per family case. For an adult case, not living with a spouse, one vehicle is exempted. For a

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Section 114.251(d)(2) (continued)

husband and wife living together, only one vehicle is exempted. If a case(s) has more than one vehicle, the client(s) can choose to exempt one vehicle if the equity does not exceed \$1,500, and apply the equity value of the other vehicle(s) toward the asset disregard.

- e) The principal and interest of a court ordered trust fund established for a child which, upon petition, the court refuses to release and one time only payments released for a specific purpose other than the income maintenance needs of the child.

- f) Donations or benefits from fund raisers held for a seriously ill client provided the client or responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

- g) Any payment received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).

- h) Any payment received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

- i) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.

- j) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:

140.440	Amendment
140.442	Amendment
140.443	Amendment
140.865	Amendment
140.870	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved:

Sections 140.440, 140.442 and 140.443

These proposed amendments allow for the prior approval process and reimbursement for a new drug when a physician has determined that the drug is medically necessary for the treatment of a client. Under OBRA '90, the Department was required to provide a mandatory six month period of open coverage for new drugs, before the prior approval system could be utilized.

OBRA '93 has provided the opportunity for the Department to return to the previous process in which new drugs are reviewed by the Drug and Therapeutics Committee of the Illinois State Medical Society, the Committee makes a recommendation regarding the need for prior approval, and approval for reimbursement is made on that basis. Under these amendments, the Department may require prior approval for the reimbursement of any drug except those listed in amendments to Section 140.442. Drugs for which reimbursement will be available without prior approval are drugs for the treatment of AIDS, contraceptive drugs and products, oncologic drugs, and non-innovator products.

Based upon current spending, it is expected that the immediate savings resulting from these amendments will be approximately \$1 million per year. However, it is probable that the long term impact upon physician prescribing habits will result in greater savings.

Sections 140.865 and 140.870

The proposed amendments to Section 140.865 correct a typographical error in the word "submission." The remaining proposed amendments, located in Section 140.870, change certain eligibility criteria for case management services under Medicaid Partnership Programs. Currently, case management is available through a Partnership for high-need individuals including

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pregnant women and children under age eight. However, these services are now available to pregnant women and children through the Healthy Moms/Healthy Kids Program (HM/HK) which was implemented on October 1, 1993. Therefore, the amendments to Section 140.870 provide for case management services only for individuals with chronic health conditions who are not eligible for services under HM/HK. Chronic health conditions will be defined by each Partnership, and must receive Department approval.

It is anticipated that these proposed amendments will not result in any additional spending by the Department.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.3	Amendment	October 29, 1993 (17 Ill. Reg. 18768)
140.530	Amendment	March 18, 1994 (18 Ill. Reg. _____)
140.643	Amendment	October 29, 1993 (17 Ill. Reg. 18768)
140.645	Amendment	October 29, 1993 (17 Ill. Reg. 18768)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

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12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of small businesses affected:

Sections 140.440, 140.442 and 140.443

Licensed pharmacies and prescribing physicians

Sections 140.865 and 140.870

Medicaid Partnership Programs

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.29 Audits
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140.31 Prohibition on Participation, and Special Permission for
140.32 Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be
Obtained
140.71 Reimbursement for Medical Services Through the Use of a C-13
Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

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140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
Hospital Services Trust Fund
140.95 General Requirements (Recodified)
140.96 Special Requirements (Recodified)
140.97 Covered Hospital Services (Recodified)
140.98 Hospital Services Not Covered (Recodified)
140.99 Limitation On Hospital Services (Recodified)
140.100 Transplants (Recodified)
140.101 Heart Transplants (Recodified)
140.102 Liver Transplants (Recodified)
140.103 Bone Marrow Transplants (Recodified)
140.104 Disproportionate Share Hospital Adjustments (Recodified)
140.110 Payment for Inpatient Services for GA (Recodified)
140.116 Hospital Outpatient and Clinic Services (Recodified)
140.117 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.200 Payment for Hospital Services After June 30, 1982 (Repealed)
140.201 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.202 Limits on Length of Stay by Diagnosis (Recodified)
140.203

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140.300 Payment for Pre-operative Days and Services Which Can Be Performed
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140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)
140.361 Non-Participating Hospitals (Recodified)
140.362 Pre July 1, 1989 Services (Recodified)
140.363 Post June 30, 1989 Services (Recodified)
140.364 Prepayment Review (Recodified)
140.365 Base Year Costs (Recodified)
140.366 Restructuring Adjustment (Recodified)
140.367 Inflation Adjustment (Recodified)
140.368 Volume Adjustment (Repealed)
140.369 Groupings (Recodified)
140.370 Rate Calculation (Recodified)
140.371 Payment (Recodified)
140.372 Review Procedure (Recodified)
140.373 Utilization (Repealed)
140.374 Alternatives (Recodified)
140.375 Exemptions (Recodified)
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services
(Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services
(Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
(Recodified)
140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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140.410 Physicians' Services
140.411 Covered Services By Physicians
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140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items -
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140.429	Limitations on Chiropractic Services (Repealed)
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140.479	Limitations, Medical Supplies
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140.490	Medical Transportation
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140.958	Inpatient Hospital Care or Services by Non-Contracting Hospitals
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7, and 5/12-13]

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629,

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effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988;

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emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.207 thru 147.211, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.325 thru 149.328 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990,

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for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17

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Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. effective February 28, 1994; amended at 18 Ill. Reg. effective March 4, 1994; amended at 18 Ill. Reg. effective

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.440 Pharmacy Services

- a) Payment shall be made only to pharmacies.
- b) The following conditions apply to pharmacy participation:

- 1) The pharmacy must hold a current Drug Enforcement Administration (DEA) registration issued by the United States Drug Enforcement Administration (see 21 CFR 1301 et seq.), as well as a current controlled substances license issued by the Illinois Department of Professional Regulation (see Controlled Substances Act, Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1301 et seq.) prior to enrolling with the Department.

2) Licensed Pharmacy Requirements

- A) A licensed pharmacy located in and/or administratively associated with a group practice or long-term facility must:
 - i) provide the same scope of general pharmacy and professional services as a pharmacy not so affiliated; and
 - ii) be retail in nature, open and accessible to the general public.
- B) The pharmacy shall not limit prescriptions filled to those written by practitioners connected with the group or

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Section 140.440(b)(2)(B) (continued)

facility for persons receiving care or services from the group or facility.

- 3) A hospital pharmacy which provides pharmaceutical services and supplies for inpatients, outpatient clinic patients and emergency room patients of the hospital may not enroll as a participating pharmacy unless licensed to provide pharmaceutical services to the general public (Division 5 license). A second licensed pharmacy, established by a hospital, separate and apart from the hospital pharmacy, to serve the community as a retail pharmacy may participate as a retail pharmacy.

- c) The Department shall pay for the dispensing of pharmacy items, subject to the provisions of subsection (d) below, which are prescribed by a physician, dentist or podiatrist within the scope of their professional practice.

- d) Beginning with drugs dispensed on or after April 1, 1991, Department coverage shall be limited to those drug manufacturers having rebate agreements in effect as provided under Section 1927 of Title XIX of the Social Security Act (42 U.S.C. 1396s). The Department shall provide all interested parties with an updated list of drug manufacturers having rebate agreements in effect. Coverage of new drug products from manufacturers meeting these provisions shall be available for at least six months from the date of U.S. Food and Drug Administration approval without prior authorization when prescribed for persons eligible for assistance under Title XIX of the Social Security Act so long as the drug requires unrestricted coverage under the Act. When reviewing requests for prior authorization, approval decisions shall be based on medical evidence.

- e) Upon U.S. Food and Drug Administration approval of a new drug, the manufacturer of the drug shall submit materials to the Department notifying it of the approval. Within fifteen days following the Department's receipt of notification, the Department shall provide the manufacturer with evidence documenting the Department's coverage of the new drug.

- f) The Department shall require approval for the reimbursement of any drug except as provided in Section 140.442. On a quarterly basis, provide all interested parties with an updated list of products available without prior approval and an updated list of drug manufacturers having rebate agreements in effect. When reviewing requests for prior authorization, approval decisions shall be medically based. The Department's electronic claims processing system shall be the mechanism for identification of whether a

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Section 140.440(e) (continued)

prescribed drug requires prior authorization to dispensing pharmacists. The Department shall maintain a mailing list of all interested parties who wish to receive a copy of these lists. A printed listing of prescribed drugs available without prior approval shall be provided to other interested parties upon request.

(Source: Amended at 18 Ill. Reg. , effective)

Section 140.442 Prior Approval of Prescriptions

- a) The Department may require prior approval for the prescription reimbursement of any drug except as provided in this Section 140.440(a). Determinations of whether prior approval for any drug is required shall be made in the following manner:

- 1) The Department shall consult with individuals or organizations which possess appropriate expertise in the areas of pharmacology and medicine. In doing so, the Department shall consult with organizations composed of physicians, pharmacologists, or both, and shall, to the extent that it consults with organizations, limit its consultations to organizations which include within their membership physicians practicing in all of the representative geographic areas in which recipients reside and practicing in a majority of the areas of specialization for which the Department reimburses physicians for providing care to recipients.

- 2) The Department shall consult with a panel from such organizations (the panel is selected by such organizations) to review and make recommendations regarding prior approval. The panel shall meet not less than four times a year for the purpose of the review of drugs. The actions of the panel shall be non-binding upon the Department and can in no way bind or otherwise limit the Department's right to determine in its sole discretion those drugs which shall require prior approval be available without prior approval.

- 3) Upon U.S. Food and Drug Administration approval of a new drug, the manufacturer shall be responsible for submit submitting materials to the Department which the Department and the consulting organization shall consider in determining whether prescription of reimbursement for the drug shall require prior approval after the automatic six-month coverage without prior approval period (see Section 140.440(d) and (e)). Absent submission of such materials by the manufacturer, prior approval

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Section 140.442(a)(3) (continued)

shall be automatically required at the conclusion of the automatic six month coverage without prior approval period.

- 4) New dosage strengths and new dosage forms of products currently included in the list of drugs available without prior approval (see Section 140.440(f) 140.440(e)) shall be included in the list of drugs available without prior approval upon the request of the manufacturer, unless otherwise designated by the Director. In such a case, the Director shall submit the new dosage strength, or new form, to the prior approval procedures described in this section Section.

- 5) Upon receipt of the final agenda established for each meeting of the above described panel, the Department shall promptly review materials and literature supplied by drug manufacturers. Additional literature may be researched by the Department to assist them in their review of the products on the agenda. The Department shall make comments and within ten (10) working days of receipt of the agenda transmit such comments either in person or in writing to the panel. This shall be done for each meeting of the above described panel.

- 6) The consulting organization shall transmit its recommendations to the Department in writing.

- 7) Upon receipt of this transmittal letter, the Department shall notify within fifteen (15) working days all interested parties, including pharmaceutical manufacturers of the products, of all recommendations of the consulting organization accepted or rejected by the Director. Recommendations for prior authorization of new drug products not previously requiring prior authorization shall become effective after thirty (30) days prior notice to providers and all interested parties, including manufacturers. The Department shall maintain a mailing list of all interested parties who wish to receive a copy of applicable notices.

- 8) Drug manufacturers shall be afforded an opportunity to request reconsideration of products recommended for prior approval. The Drug manufacturers may submit whatever information they deem appropriate to support their request for reconsideration of the drug product. All reconsideration requests must be submitted in writing to the Department and shall be considered at the next regularly scheduled meetings of the above described expert panel convened by the consulting organization.

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Section 140.442(a) (continued)

- 9) The Department shall provide that the following types of drugs are available without prior approval: utilize the procedures described in subsections (1) through (7) to give EXPEDITED REVIEW OF ANY DRUG FOR THE TREATMENT OF ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) WHICH THE FEDERAL FOOD AND DRUG ADMINISTRATION HAS INDICATED IS SUBJECT TO A TREATMENT INVESTIGATIONAL NEW DRUG APPLICATION, and which is not available free-of-charge to recipients from the drug manufacturer or distributor.

- A) Drugs for the treatment of Acquired Immunodeficiency Syndrome (AIDS) which the Federal Food and Drug Administration has indicated is subject to a treatment investigational new drug application;
- B) Contraceptive drugs and products;
- C) Oncolytic drugs; and
- D) Non-innovator products, listed in the State of Illinois, Drug Product Selection Program's current Illinois Formulary, when the innovator product is available without prior approval.

- b) Except as provided in subsection (c) below, prior approval shall be given for drugs requiring such authorization if:

- 1) The drug is a legend item (requires a prescription); and
- 2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopoeia-Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature; and
- 3) The drug is necessary to prevent a higher level of care, such as institutionalization; or
- 4) The prescriber has determined that the drug is medically necessary.
- c) For recipients covered by the Basic Health Protection Plan, (GA or AMI), prior approval shall be given for drugs requiring such authorization if:

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Section 140.442(c) (continued)

- 1) The drug is a legend item (requires a prescription), and
- 2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia-Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature, and
- 3) The physician has documented that the requested item is necessary to prevent a life threatening situation and that items covered under the basic health protection plan are not effective to maintain the patient's life or to avoid the life threatening situation.
- d) Decisions on all requests for prior approval by telephone or other telecommunications device and, upon the Department's receipt of such request, shall be made by the same time of the Department's next working day. In an emergency situation, the Department shall provide for the dispensing of at least a 72-hour supply of a covered prescription drug.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 140.443 Filling of Prescriptions

- a) The prescription form (or the official form required by law for the prescribing of controlled substances) must contain the following information at a minimum:

- 1) Recipient's name;
- 2) Date;
- 3) Name of pharmacy item being prescribed;
- 4) Form and strength or potency of drug (or size of non-drug item);
- 5) Quantity;
- 6) Directions for use;
- 7) Refill directions;
- 8) Legible signature of practitioner in ink; and

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Section 140.443(a) (continued)

- 9) Drug Enforcement Administration (DEA) Number or the Social Security Number (for those practitioners who do not have a DEA Number).
- b) Pharmacies shall not accept blank, presigned prescription forms.
- c) If a drug is available listed in the Drug Manual (see Section 140.72) by generic name and the identical drug is prescribed by trade name, payment will be based on cost of the generic product.
- d) The Department shall not pay for quantities of dispensed items in excess of the maximum quantities designated for such items in the Drug Manual, unless it has given prior approval to dispense an amount in excess of the maximum. If the Drug Manual does not specify a maximum quantity, the Department shall pay for no more than one month's supply of the item dispensed.
- e) The Department shall pay for refills only if the prescribing practitioner authorized refills on the original prescription in accordance with State law and shall pay for no more than two refills made no later than 3 months from the date of the original prescription. -- However, maintenance drugs may be refilled up to one year. -- Maintenance drugs are drugs needed for extended periods to maintain health.
- f) Pharmacies may use a unit dose system in the dispensing of drugs when such a system is in compliance with all applicable State and Federal laws. The total quantity dispensed on one prescription cannot exceed the quantity prescribed or the maximum allowable quantity.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section 140.865 Sponsor Qualifications

To qualify for sponsorship of a Medicaid Partnership, an organization shall meet the following qualifications:

- a) The organization shall be based in the State of Illinois.
- b) The organization shall be fiscally solvent as demonstrated by submission of an annual audit, performed by an independent auditing firm.

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Section 140.865 (continued)

- c) The organization shall be organized to deliver medical care.
- d) The organization shall certify that it has not been convicted of bribery or of attempted bribery, nor has the organization made an admission of guilt of such conduct which is a matter of record, nor has an official, agent or employee of the organization been so convicted nor made such admission of bribery on behalf of the organization and pursuant to the direction of a responsible official of the organization.
- e) The organization shall certify that it has not been convicted of fraud or attempted fraud, nor has the organization made an admission of guilt of such conduct which is a matter of record, nor has an official, agent or employee of the organization been so convicted nor made such admission of fraud on behalf of the organization and pursuant to the direction of a responsible official of the organization.
- f) The organization shall demonstrate its ability to meet the service requirements identified in Sections 140.860 and 140.870.
- g) The organization shall employ at least five professional employees or physicians.

(Source: Amended at 18 Ill. Reg. ____, effective ____)

Section 140.870 Sponsor Responsibilities

The sponsor is responsible for the following:

- a) Quality Assurance. The sponsor shall have a quality assurance program which provides for analysis of data on performance and patient results by participating physician and hospital. The sponsor's quality assurance program shall also include a utilization review component which monitors the utilization of medical services and develops methods of encouraging appropriate patterns of utilization by providers and clients.
- b) Provider Selection. The sponsor shall ensure that the selection of high quality participating providers meet the qualifications of Section 140.880.
- c) Physician Recruitment. The sponsor shall develop physician participation goals and a plan for physician recruitment.

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Section 140.870 (continued)

- d) Other Special Services. The sponsor shall arrange for other special services for high-need individuals, including the assignment of a case manager for each pregnant-woman, child-under-age-8, person with AIDS, person with a chronic condition, if the primary care physician has determined that the individual is non-compliant with the prescribed treatment regimen, or if the primary care physician has determined that the individual's health condition would benefit from case management services. Chronic conditions will be defined by each individual partnership and must be approved by the Department ~~disease, and person who is disabled and receiving care through the Partnership~~. The provision of other special services may be accomplished through a contracting relationship, which requires Departmental approval of the subcontractor. Other special services shall include the following:
 - 1) Arrangement or direct delivery of assistance a client may need for scheduling of appointments, transportation, or child care;
 - 2) Development of an individual family service plan;
 - 3) Follow-up communication by telephone, in writing, or in person to provide health education and encourage compliance with treatment plans;
 - 4) Arrangement for or referral to social service agencies as necessary to meet the clients needs and to eliminate environmental, behavioral, or conditional barriers to seeking and obtaining primary care services;
 - 5) Referral of eligible clients to the appropriate case management program and tracking of services received;
 - 6) Interaction with providers to facilitate compliance with the treatment plan prescribed by the client's physician;
 - 7) Development and implementation of multi-method outreach services;
 - 8) Referral of infants and toddlers with developmental delay to Early Intervention providers, and infants and toddlers with handicapping conditions to the Division of Services for Crippled Children.
- e) Primary Care Case Management. The sponsor shall arrange for and assure the delivery of medical services in a manner which provides for general and efficient management of the client's care. Primary care case management shall include the use of the client's primary

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 140.870(e) (continued)

- physician; appropriate referrals to specialists and other needed services; specific efforts to ensure client understanding of treatment plans; and the management of inpatient care.
- f) Record Maintenance. The sponsor shall maintain medical records for clients using Partnership services as required under Section 140.28, and ensure the appropriate transfer of medical records when required.
- g) Client Education. The sponsor shall develop health care education programs for clients on the use of health care services, and provide informational materials on the Partnership and its services, in cooperation with the Department. Educational programs shall include information on how to use the system, including use of emergency services, and information on preventive care with a special focus on pregnant women and children.
- h) Reports. The sponsor shall submit reports to the Department to enable monitoring of the individual Partnership networks.
- i) Administration. The sponsor shall manage the Partnership administrative and financial affairs, and provide evidence of appropriate liability insurance against the risk of malpractice claims brought against them for the operation of the Partnership network.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Adopted Action:
125.260 Amended
125.380 Amended
- 4) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316) [225 ILCS 650/16].
- 5) Effective Date of amendments: MAR 14 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: March 11, 1994
- 9) Notices of Proposal Published in Illinois Register: November 5, 1993, 17 Ill. Reg. 18917
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Some of the statute citations were updated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect?
No
- 14) Are there any amendments pending on this part? No
- 15) Summary and Purpose of amendments: In order to maintain an "equal to" status with the federal meat and poultry inspection programs as required by the federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of the Meat and Poultry Inspection Act, the Department is proposing to adopt changes in the federal rules relative to meat and poultry inspection.
- Effective August 16, 1993, the Food Safety and Inspection Service amended the federal meat and poultry products inspection regulations to allow product ingredients present at individual levels of 2 percent or less by weight to be listed

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NOTICE OF ADOPTED AMENDMENTS

in the ingredients statement in other than descending order of predominance. The rule allows manufacturers to adjust ingredients in a formulation present at 2 percent or less without resubmitting the labeling for new approval each time such an adjustment is made. This rule was published in 58 FR 38046, July 15, 1993.

- 16) Information and questions regarding this adopted amendment shall be directed to the attention of:

Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

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SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemed or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11844, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19,

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17136, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; emergency amendment at 18 Ill. Reg. 2164, effective January 24, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. , effective MAR 14 1994.

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.24 (1990); 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective September 24, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 41445, effective September 20, 1991; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 58 FR 42188, effective September 8, 1993; 58 FR 38046, effective August 16, 1993.
- b) The Department shall approve only those abbreviations for marks of

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inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.

- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1989 1991, ch. 147, par. 101 et seq.) [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

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Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, and 381.129 through 381.132(b)(1), 381.133 through 381.144(d) (1990); 55 FR 16 effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 2, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 6448, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 57 FR 4568, effective October 21, 1992; 58 FR 38046, effective August 16, 1993.
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 317.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
- l) The Department does not approve terms for generic labeling and

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 1 4 1994)

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Eligible State Bank

2) Code Citation: 38 Ill. Adm. Code 380

3) Section Numbers: Adopted Action:
380.10 New Section
380.20 New Section
380.30 New Section

4) Statutory Authority: Implementing Section 48(2) and authorized by Section 48(6) of the Illinois Banking Act (205 ILCS 5/48(2) and 48(6) (1992)).

5) Effective date of Rule: MAR 1 4 1994

6) Does this rulemaking contain an automatic repeal date?
____ Yes ____ No

7) Does this proposed rule contain incorporations by reference? No.

8) Date filed in Agency's principal office: March 9, 1994

9) Notice of Proposal Published in Illinois Register:
November 12, 1993, 17 Ill. Reg. 19347

10) Has JCAR issued a Statement of Objections to this Rule? No.

11) Differences between the proposal and the final version: The first sentence of the definition of "Eligible state bank" was amended as follows:

"Eligible state bank" means an Illinois state bank that, at its last annual examination, was assigned a CAMEL Rating of 17 or a CAMEL Rating of 2, with no more than one individual performance component rated 37 47 or 57; provided, however, that the management performance component must be rated 1 or 2, and no individual performance component may be rated 4 or 5; except that the following shall not be an eligible state bank:

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.

13) Will this rule replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rule: Section 48(2) of the Illinois Banking Act was amended by P.A. 88-289, to require the Commissioner to examine, at least once each year, the affairs of every state bank, except that for every eligible state bank the Commissioner in lieu of an annual examination every other year shall accept the examination made by the eligible state bank's appropriate federal banking agency, provided the appropriate federal banking agency has made such an examination. This rule defines "eligible state bank" in a manner that enables identification of those state banks for which the Commissioner will accept an examination by the appropriate federal banking agency in alternating years.

- 16) Information and questions regarding this adopted rule shall be directed to:

Name: Bruce J. Baker
General Counsel
Commissioner of Banks and Trust Companies
Address: 310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604
Telephone: (217) 793-2047

The full text of the Adopted Rule begins on the next page:

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES

PART 380
ELIGIBLE STATE BANK

Section	Purpose
380.10	Definitions
380.20	General Rule

AUTHORITY: Implementing Section 48(2) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/48(2) and 48(6)].

SOURCE: **MAR 14 1994** at 18 Ill. Reg. _____, effective _____.

Section 380.10 Purpose

Section 48(2) of the Illinois Banking Act (see P.A. 88-289) requires the Commissioner to examine, at least once each year, the affairs of every state bank, except that for every eligible state bank the Commissioner, in lieu of an annual examination, every other year shall accept the examination made by the eligible state bank's appropriate federal banking agency, provided the appropriate federal banking agency has made such an examination. The purpose of this Rule is to define "eligible state bank" in a manner that enables identification of those state banks for which the Commissioner will accept an examination by the appropriate federal banking agency in alternating years.

Section 380.20 Definitions

"Annual examination" means a full scope, on-site examination of a state bank conducted by the Commissioner or by the state bank's appropriate federal banking agency during a calendar year.

"Appropriate federal banking agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis, as determined by federal law (12 U.S.C. 1813(q)).

"CAMEL Rating" means the rating assigned to a state bank by the Commissioner or by the state bank's appropriate federal banking agency, based on a composite evaluation of the following five individual performance components: Capital, Asset Quality, Management, Earnings and Liquidity. The CAMEL Rating, and the rating assigned to each individual performance component, will be assigned a number from a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

"Commissioner" means the Illinois Commissioner of Banks and Trust Companies.

"Eligible state bank" means an Illinois state bank that, at its last annual examination, was assigned a CAMEL Rating of 1 or a CAMEL Rating of 2, with no more than one individual performance component rated 3; provided, however, that the management performance component must be rated 1 or 2, and no individual performance component may be rated 4 or 5; except that the following shall not be an eligible state bank:

A newly chartered state bank, for the first three years after receiving its charter, provided that a state bank chartered for the purposes set forth in Section 3.05(b)(1) of the Illinois Bank Holding Company Act shall not be deemed to be a newly chartered state bank;

A state bank that resumes accepting deposits and making loans pursuant to Section 13(d) of the Illinois Banking Act, for the first three years after such resumption;

A state bank that results from the merger of a state bank with a national bank, an insured savings association or a savings bank, for the first year after such merger;

A state bank that results from the merger of a state bank with another state bank which was assigned a CAMEL Rating of 3, 4 or 5 at its last annual examination, for the first year after such merger;

A state bank that results from the conversion of a national bank to a state bank, for the first year after the conversion;

A state bank that has undergone a change of control pursuant to Section 18 of the Illinois Banking Act which results in new ownership or control of more than 50% of the outstanding voting stock of the state bank, for the first year after the change of control;

A state bank whose management or board of directors has requested an examination by the Commissioner;

A state bank, that in the opinion of the Commissioner, is:

- operating in an unsafe manner;
- operating in an unsound condition;
- conducting its business in violation of applicable laws, rules or regulations; or
- conducting its business in a fraudulent manner;

A state bank that is subject to an administrative order or corrective notice issued by the Commissioner, the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis.

Section 380.30 General Rule

The Commissioner shall conduct an annual examination of a state bank, except that in the case of an eligible state bank, the Commissioner, in lieu of an annual examination every other year, shall accept the annual examination

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

conducted by the eligible state bank's appropriate federal banking agency.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Administration of the Illinois Public Community College Act

- 2) Code Citation: 23 Ill. Adm. Code 1501

- 3) Section Numbers: Adopted Action:

1501.102 amendment
 1501.105 amendment
 1501.109 amendment
 1501.110 amendment
 1501.201 amendment
 1501.202 amendment
 1501.301 amendment
 1501.302 amendment
 1501.307 amendment
 1501.309 amendment
 1501.406 amendment
 1501.501 amendment
 1501.503 amendment
 1501.505 amendment
 1501.507 amendment
 1501.516 amendment
 1501.607 amendment
 1501.703 amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, pars. 102-4 [110 ILCS 805/2-4]; 102-1 (110 ILCS 805/2-1); 102-12 [110 ILCS 805/2-12]; 102-16.2 [110 ILCS 805/2-16.2]

- 5) Effective Date of Amendments: MAR 0 9 1994

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: September 17, 1993

- 9) Notice of Proposal Published in Illinois Register:

May 7, 1993 17 Ill. Reg. 6686

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

- (a) To clarify the definition of Internship/Practicum and Laboratory, to delete the definition of Clinical Laboratory to state:

Internship/Practicum - An "internship/practicum" is a course of planned and supervised training which allows the application of theory to actual practice and prepares a student for working independently in a specific career. The internship/practicum generally occurs after the student has completed 12 credit hours. It takes place at a regular worksite and instruction/supervision is shared by a college instructor/supervisor and a qualified employee at the worksite. Clinical practicums take place in a hospital or other medical/health facility and require close supervision/instruction/monitoring by a qualified college instructor.

Laboratory - A "laboratory" is a course of planned and supervised training in which students learn new methods or principles through experimentation, observation, and/or practice. A lab class can occur at the beginning, middle, or end of a particular course of study and may be held in a specially equipped room designed for experimentation, observation, and/or practice on the college campus or at the worksite.

- (b) To modify Section 1501.309(b) by deleting the new subsection (b)(4) and modifying the old subsection (b)(4) to state:

- 4) Students who participate in nonclinical internship, practicum, or on-the-job supervised instruction shall receive one (1) semester credit hour or equivalent for each 75-149 contact hours per semester or equivalent and students who participate in clinical practicums shall receive one semester credit hour or equivalent for each 45 contact hours per semester or equivalent.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this part? Yes

Section Numbers Proposed Action

1501.303 amendment
1501.508 amendment

- 15) Summary and Purpose of Amendments: In addition to minor

Section 1501.502

The revision to subsection (b) will bring the rule into compliance with legislation which specifies that the student member may serve two, rather than one, term.

Section 1501.201 and Section 1501.406

Eliminates or reduces various reporting requirements which will, in turn, increase Board staff productivity and provide the opportunity to focus more staff resources on the Board's goals and objectives. Will also ensure that only relevant data is requested and that Board requests do not place an undue hardship on the community colleges.

Section 1501.301

Definitions for internship/practicum and laboratory instructional settings were revised to clarify the distinction between laboratory and clinical practicums.

Section 1501.302

P.A. 87-1023 grants the ICCB the authority to discontinue community college instructional programs. The addition of subsection (g) reflects this authority.

Section 1501.307

P.A. 87-1023 also grants the ICCB the authority to approve or disapprove community college cooperative agreements. The standards identified in this section ensure that cooperative agreements will increase accessibility of program offerings for students and provide efficiency in program delivery.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 1501.507

Two additional instances are provided for allowing state reimbursements for students who repeat a course. They include when the student returns to the college under the provisions of the educational guarantees program and when the student was last enrolled in the course at least four years prior to the current enrollment period.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Zach Mathew
Director of Administrative Services
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62701-1874
Telephone: (217) 785-0017

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

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1501.705 Finance
1501.706 Personnel
1501.707 Facilities

SUBPART H: PERSONNEL

Section
1501.801 Definition of Terms
1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, pars. 102-1 et seq., pars. 103-1 et seq., and par. 106-5.3) [110 ILCS 805/2, 3, and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 18 Ill. Reg. _____, effective MAR 04 1994.

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section 1501.102 Advisory Groups

- a) Advisory Organizations. Independent organizations may be considered by the ICCB to be advisory upon petition to the State Board.

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Independent organizations so recognized by the ICCB as "advisory" will have the opportunity to bring matters before the ICCB during each regular ICCB meeting and will have an opportunity to provide advice to the ICCB on proposed rule and policy adoptions and matters of interest to community colleges. An advisory organization may have its recognition status withdrawn by action of the ICCB or by request of the organization. Advisory organization recognition may be granted by the ICCB at the request of an organization which meets the following criteria:

- 1) The organization exists independently of the ICCB and any individual college;
 - 2) A primary purpose of the organization is to deal with matters of systemwide importance; and
 - 3) Representatives of Illinois community college districts are included as voting members of the organization.
- b) Advisory Committees -- Standing. Standing advisory committees to the ICCB will be authorized and appointed by the ICCB. Membership and terms of appointment shall be established at the time of authorization.
- c) Advisory Committee -- Ad Hoc. The Executive Director is authorized to appoint ad hoc advisory committees to advise the ICCB staff on specific projects. The terms of appointment shall be for one (1) year or less.
- d) Student Advisory Committee
- 1) Purpose. The purposes of this committee are to:
 - A) Review proposed ICCB policies.
 - B) Inform the ICCB of systemwide issues that impact the education of community college students.
 - C) Select the ICCB Student Member.
 - 2) Membership. Each member of the Student Advisory Committee shall be the nonvoting student member of the local district board of trustees or a designee if the non-voting student member is unable to serve. The ICCB Student Member will serve ex officio.
 - 3) Appointment. SAC members shall be appointed each year by the ICCB from nominees submitted by the local district boards of trustees.
 - 4) Length of Term. SAC members shall serve a term of one year beginning on July 1 of each year and expiring on the next succeeding June 30.
 - 5) Chairman. The SAC shall select a Chairman at the first meeting by a majority vote of members present. If the Chairman is absent from any meeting, the membership shall select a Chairman pro tem by a majority vote of members present. The Chairman shall preside at all meetings of SAC. The Chairman's duty will be to assist the SAC in achieving its purpose as stated in Section 1501.102 subsection (a)(1) above. The Executive Director of the ICCB shall call SAC meetings at least once each quarter and notify each local district board of trustees at least 30 days in advance.

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6) Reimbursement. Reimbursement for actual and necessary meeting expenses of SAC members will be in accordance with Section 2-7 of the Act.

7) ICCB Meetings. The SAC report shall be given at regular ICCB meetings

e) Selection of ICCB Student Member. The SAC will seek applications for the ICCB Student Member from all Illinois public community colleges. The application shall include information such as personal information (name and address), number of credit hours (current and expected), college and community activities, resume, letters of reference, and rationale for desiring the position. The ICCB Student Member shall be elected before June 1 by a majority vote of SAC members present from all applicants who meet ICCB student membership requirements as delineated in Section 1501.105(f) below.

f) Membership Requirements of ICCB Student Member. The ICCB Student Member shall be enrolled in an Illinois public community college for a minimum course load of six (6) semester or quarter credit hours during both the fall and spring semesters (fall/winter/spring quarters) for each term of his/her appointment. If the course load of the ICCB Student Member falls below the minimum credit hours, that member shall be replaced by a majority vote of the SAC members present at the next SAC meeting.

g) Length of Term of ICCB Student Member. The ICCB Student Member shall serve for a term of one (1) year beginning on July 1 and expiring on June 30. No ICCB Student Member shall serve for more than two terms ~~be re-appointed to a second term.~~ Service during a partial term shall not be considered as one term.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

Section 1501.105 Advisory Opinions

The ICCB will provide advisory opinions regarding interpretation of the Act to community colleges upon request of the President or Chairman Chair of the Board and with the approval of the ICCB Chairman Chair and Executive Director. Such opinions also will be provided to recognized advisory organizations upon request of the Chairman Chair of each group, subject to the approval of the ICCB Chairman Chair and Executive Director.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

Section 1501.109 Appearance at ICCB Meetings

With at least seven (7) days prior written notice to the Chairman Chair or the Executive Director of the ICCB and with the concurrence of the Chairman Chair, a representative of any college or the public at large may bring matters to the attention of the ICCB or provide comment on matters already before the ICCB.

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The written notice requirement may be waived by the Chairman Chair.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

Section 1501.110 Appeal Procedure

Any ICCB decision, not otherwise covered by a specific appeal procedure, may be appealed within thirty (30) days of the decision by submitting a written request for reconsideration of the decision to the ICCB Chairman Chair. The Chairman Chair shall review the request and place it on the agenda of the next regularly scheduled meeting of the ICCB. The appellant may make both oral and written presentations to the ICCB at the time the decision is reconsidered.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section 1501.201 Reporting Requirements

Complete and accurate reports shall be submitted by the district/college to the ICCB in accordance with ICCB requirements and on forms provided by the ICCB, where applicable.

Listed below is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office:

January 1	-	construction project status reports [see Section 1501.607(a)]
January 31	-	certificate of tax levy [see Section 1501.510(e)]
February 15	-	community education--and--community--services survey--and--winter--quarter/spring semester enrollment survey [see Section 1501.406(a)]
December-15	-----	faculty--and--staff--characteristics--data--[see Section-1501-308-(a)]
April-1	-----	spring-quarter-enrollment-survey--[see-Section-1501-466-(b)]
May 30	-	occupational follow-up study data for specified curricula (FS) [see Section 1501.406(c)]
July 1	-	annual noncredit course enrollment survey
	-	construction--project--status--reports--[see-Section-1501-607-(a)]
	-	summer--enrollment--survey--[see--Section-1501-486-(b)]
August 1	-	special populations grant report [see Section 1501.508(d)]

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- workforce preparation ~~economic--development~~ grant report [see Section 1501.509(f)]
- advanced technology equipment grant report [see Section 1501.515(d)]
- Resource Allocation and Management Plan (RAMP/CC) [see Section 1501.510(a)]
- program review report [see Section 1501.303 (d)]
- program review listing [see Section 1501.303 (d)]
- credit hour certification, final report [see Section 2-16 of the Public Community College Act]
- annual student enrollment and completion data [see Section 1501.406(a)]
- application for recognition for specified colleges [see Section 1501.202(d)]
- underrepresented groups report [see Section 1501.406(d)]
- unit cost data [see Section 1501.510(b)]
- confirmation of ICCB grants and district credit hours by the external auditor [see Section 1501.503(b)]
- tax revenue survey [see Section 1501.501(c)]
- fall enrollment survey [see Section 1501.406(b)]
- fall enrollment data [see Section 1501.406(a)]
- annual salary data for faculty and staff [see Section 1501.308(b)]
- external audit [see Section 1501.503(a)]
- special populations grant audit [see Section 1501.503(a)]
- workforce preparation ~~economic--development~~ grant audit [see Section 1501.503(a)]
- advanced technology equipment grant audit [see Section 1501.503(a)]
- fiscal year budget [see Section 1501.504]
- certificate of chargeback [see Section 1501.503(a) ~~1501-505(f)~~]
- unexpended special populations grant funds [see Section 1501.508(f)]
- unexpended workforce preparation ~~economic development~~ grant funds [see Section 1501.509(h)]
- ~~out-of-district---tuition---calculation---(see Section-1501-505(f))~~
- audit/unit cost reconciliation statement [see Section 1501.510(d)]

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- December 1 - annual financial statements and notice of publication [see Section 1501.506]
 - December 15 - facility and staff characteristics [see Section 1501.308(a)]
 - 30 days after the end of each term - course resource data and credit hour claims [see Section 1501.606(b) and Section 1501.507(a)]
 - 60 days after the end of the fall term - inventory of facilities [see Section 1501.606(c)]
- (Source: Amended at 18 Ill. Reg. _____, effective MAR 09 1994)

Section 1501.202 Certification of Organization

Within five working days after the convening of the newly elected board or the new board as provided in Section 3-8 of the Act, the ~~chairman~~ chair of the board of trustees shall certify in writing to the ICCB that the board of trustees has been organized. The certification shall include the name of the ~~chairman~~ chair, vice ~~chairman~~ chair, and the secretary and state the time and place of regular meetings. If the board, by resolution, establishes a policy for the terms of office to be one year, instead of the normal two years, or provides for the election of officers for the remaining one year, a copy of this resolution shall also accompany the certification.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 09 1994)

SUBPART C: PROGRAMS

Section 1501.301 Definition of Terms

Associate Degree. An "Associate Degree" is an award for satisfactory completion of a curriculum of 60 semester credit hours or more. Associate in Applied Science Degree. An "Associate in Applied Science Degree" is an award for the satisfactory completion of a prescribed curriculum intended to prepare individuals for employment in a specific field. Associate in Arts Degree. An "Associate in Arts Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the arts, humanities, or social or behavioral sciences or one of the professional fields with these disciplines as a base. Associate in General Studies Degree. An "Associate in General Studies Degree" is an award for the satisfactory completion of a curriculum that has been individually designed by mutual agreement between the student and his/her college-appointed advisor to meet the student's educational intent.

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Associate in Science Degree. An "Associate in Science Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the mathematical, biological, or physical sciences or one of the professional fields with these disciplines as a base.

Branch. A "branch" is an administrative unit of a college that has a continuing educational mission and serves as a secondary instructional site for the college.

Campus. A "campus" is an organized administrative unit of a college that has a continuing educational mission and serves as a primary instructional site for the college.

Certificate. A "certificate" is an award for satisfactory completion of a series of courses or curriculum of 50 semester credit hours or less.

General certificate. A "general certificate" is an award for satisfactory completion of a series of courses of 30 semester credit hours or less in adult basic education, adult secondary education, remedial education, vocational skills, or general studies.

Occupational certificate. An "occupational certificate" is an award for satisfactory completion of a prescribed curriculum intended to prepare an individual for employment in a specific field.

College. A "college" is a District's administrative unit that is authorized by the Illinois Board of Higher Education to grant postsecondary-level degrees and certificates, is recognized by the ICCB, and provides a comprehensive program of instruction in accordance with Section 101-2(e) of the Act.

Course. A "course" is a sequential presentation, through one or more instructional modes, of subject matter in a particular field to meet specific objectives within a designated time period, such as a semester or a quarter.

Curriculum. A "curriculum" is an approved unit of instruction consisting of a series of courses designed to lead to an associate degree or a certificate.

Adult Basic Education. An "Adult Basic Education" curriculum consists of basic skills courses designed to bring students to a competency of eighth-grade equivalency, including English as a Second Language instruction to a level of eighth-grade equivalency.

Adult Secondary Education. An "Adult Secondary Education" curriculum consists of courses designed to bring students to a competency of twelfth-grade equivalency, including English as a

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Second Language Courses through the twelfth-grade equivalency and General Educational Development (GED) examination preparation. District Curriculum. A "district curriculum" is a curriculum approved for offering within a district, on the basis of student interest, employment demand, and available resources within the district.

General Studies. A "General Studies" curriculum consists of courses designed to meet individual student goals, in the promotion of personal improvement and self-understanding.

Regional Curriculum. A "regional curriculum" is a curriculum approved for offering within a planning region, on the basis of student interest and employment demand within the region.

Remedial Education. A "Remedial Education" curriculum consists of courses in computation, communication (i.e., writing and speaking), and reading, designed to improve the competency of high school graduates, or those persons achieving high school equivalency through standardized testing, to the level necessary for placement into communication and mathematics courses required of first-year college students. Remedial courses reiterated basic skills that students were expected to have mastered prior to entry into post-secondary education.

Statewide Curriculum. A "statewide curriculum" is a curriculum approved for offering on the basis of student interest and employment demand statewide.

Educational Agency. An "educational agency" is an agency, corporation, or other defined legal entity which offers instruction.

Extension Center. An "extension center" is an instructional site for the college that is used for offering some of the college's courses and/or programs for a limited duration.

Internship/Practicum. An "internship/practicum" is a course of planned and supervised training which allows the application of the theory to actual practice and prepares a student for working independently in a specific career. The internship/practicum generally occurs after the student has completed 12 credit hours. It takes place at a regular worksite and instruction/supervision is shared by a college instructor/supervisor and a qualified employee at the worksite. Clinical Practicums take place in a hospital or other medical/health facility and require close supervision/instruction/monitoring by a qualified college instructor.

Laboratory. A "laboratory" is a course of planned and supervised training in which students learn new methods of principles through experimentation, observation, and/or practice. A lab class can occur at the beginning, middle, or end of a particular course of study and may be a specially equipped room designed for experimentation, observation, and/or practice on the college campus or at the worksite.

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Principal Site. The principal site is the official mailing address of the college.

Public Service. "Public service" consists of noncredit classes and other activities of an educational nature, such as workshops, seminars, forums, exhibits, and the provision of college facilities and expertise to the community, designed to be of service to the public.

Research. "Research" consists of investigations or experiments to discover or interpret facts, to revise accepted theories, or to apply such revised theories.

Secondary School. A "secondary school" shall be used to mean private or parochial secondary school, public secondary school district, or public unit school district.

Unit of Instruction. A "unit of instruction" is any one of the following:

An organized program of study consisting of a sequence of courses that results in the award to a student of a certificate or an associate degree.

Any existing organized program of study offered at a new geographical location outside of the college district.

Any organized administrative entity that would have a continuing instructional mission, including but not limited to a college, campus, or branch.

Unit of Research or Public Service. A "unit of research or public service" is a college's subdivision such as a division, institute, or center, that administers one (or more) research or public service program.

Vocational Skills. "Vocational Skills" consists of courses designed to provide short-term job entry training, to upgrade the skills of persons already employed, or to review skills for career re-entry.

(Source: MAR 9 1994 at 18 Ill. Reg. _____, effective _____)

Section 1501.302 Units of Instruction, Research, and Public Service

a) Approval of New Units of Instruction. Each proposed new unit of instruction shall be submitted to the ICCB for approval. The criteria for approval of new units of instruction are:

1) Mission and Objectives.

A) The objectives of the unit of instruction are consistent with the mission of the college as set forth in Section 1-2(e) of the Act.

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B) The objectives of the unit of instruction are consistent with what the title of the unit of instruction implies.

2) Academic Control.

A) The design, conduct, and evaluation of the unit of instruction are under the direct and continuous control of the college's established processes for academic planning and quality maintenance, and clear provision is made for ensuring a high level of academic performance of faculty and students.

B) The admission, course placement, and graduation requirements for the unit of instruction are consistent with the stated objectives of the unit of instruction and with Section 103-17 of the Act where applicable.

3) Curriculum. The content of the curriculum ensures that the objectives of the unit of instruction will be achieved.

A) The range of total number of credit hours required for completion of an associate degree curriculum shall be within the following parameters:

i) For the Associate in Arts degree and the Associate in Science degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent;

ii) For the Associate in Applied Science degree, a total requirement of not less than 60 credit hours nor more than 72 semester credit hours or the quarter credit hour equivalent, except in such occupational fields in which accreditation or licensure by a state or national organization requires additional coursework; and

iii) For the Associate in General Studies degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent.

B) Each associate degree curriculum shall include a specific general education component consisting of coursework in communication, arts and humanities, social and behavioral sciences, and mathematics and science within the following parameters:

i) For the Associate in Arts degree and the Associate in Science degree, the general education component required will represent at least 60 percent of the total number of credit hours for completion;

ii) For the Associate in Applied Science degree, the general education component required will represent no less than 25 percent nor more than 50 percent of the total number of credit hours required for completion; and

iii) For the Associate in General Studies degree, the general education component required will represent no

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less than 30 percent of the total number of credit hours required for completion.

- 4) Faculty and Staff.
 - A) The academic preparation and experience of faculty and staff ensure that students receive education consistent with the objectives of the unit of instruction.
 - B) The involvement of faculty in the unit of instruction is sufficient to cover the various fields of knowledge encompassed by the curriculum, to sustain scholarship appropriate to the unit of instruction, and to ensure curriculum continuity.
 - C) Support personnel, including counselors, administrators, clinical supervisors, and technical staff, have the educational background and experience necessary to carry out their assigned responsibilities.
- 5) Support Services.
 - A) Facilities, equipment, and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computation equipment) necessary to provide quality instruction will be available and maintained.
 - B) Library holdings and acquisitions necessary to support quality instruction and scholarship are available, accessible, and maintained.
 - C) Provision is made for the guidance and counseling of students, the evaluation of student performance, the continuous monitoring of progress of students toward their degree or certificate objectives, the placement of completers of the unit of instruction, and appropriate academic record keeping.
- 6) Financing.
 - A) The financial commitments to support the unit of instruction are sufficient to ensure that the stated objectives can be attained and that the faculty, staff, and support services necessary to offer the unit of instruction can be acquired and maintained.
 - B) Projections of revenues necessary to support the unit of instruction are based upon supportable estimates of general revenue, student tuition and fees, private gifts, and/or governmental grants and contracts.
- 7) Public Information.

The information that the college provides to students and the public accurately describes: the unit of instruction offered; the objectives of the unit of instruction; length of the unit of instruction; residency requirements, if any; schedule of tuition, fees, and all other charges and expenses necessary for completion of the unit of instruction; cancellation and refund policies; and such other material facts concerning the college and the unit of instruction as are likely to affect the decision of the student to enroll.

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- 8) Accreditation and Credentialing.
 - A) Appropriate steps have been taken to ensure that accreditation of the proposed new unit of instruction will be granted in a reasonable period of time.
 - B) The proposed new unit will provide the skills required to obtain individual credentialing (certification, licensure, registration) needed for entry into an occupation as specified in the objectives of the proposed new unit of instruction.
- 9) Program Needs and Priorities.
 - A) The unit of instruction must be educationally and economically justified based on the educational priorities and needs of the citizens of Illinois and the college's district.
 - B) The unit of instruction meets a need that is not currently met by units of instruction which are offered by other institutions in the district.
- b) Approval of New Administrative Units of Research or Public Service.

An application for approval of each proposed new administrative unit of research or public service shall be submitted to the ICCB on forms provided by the ICCB. The criteria for approval of new administrative units of public service or research are:

 - 1) The proposed new administrative unit shall be authorized by the Board of Trustees.
 - 2) The objectives of the proposed new administrative unit are consistent with the mission of the college (see Section 1-2(c) of the Act).
 - 3) The proposed new administrative unit shall meet a district's need to deliver a public service or research program which cannot be met through the district's current structure as indicated by an organizational chart.
 - 4) The proposed new administrative unit shall administer at least one public service or research program.
 - 5) The needs assessment demonstrates that the demand for the public service or research program to be administered by the proposed new unit shall be continuous for at least three years.
 - 6) The district shall provide evidence that the resources for the facilities, equipment and materials, and staff necessary to provide a quality program or service shall be made available to the proposed new administrative unit.
- c) Withdrawal.

An approved unit of instruction, public service, or research may be withdrawn by the college when it decides to suspend operation of the unit. The withdrawal request shall be reported on forms supplied by the ICCB.
- d) Reassessable and Moderate Extensions.
 - 1) An approved unit of instruction, public service, or research may be modified by the college within the parameters listed in subsection (d)(2) through (4). The college shall notify the ICCB of such extensions on forms provided by the ICCB.

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- 2) Reasonable and moderate extensions of previously approved units of instruction include:
- The addition, modification, or withdrawal of courses within an approved unit of instruction which does not alter the objectives of the unit of instruction;
 - A change in minimum credit hours for completion of an approved unit of instruction that does not affect the instructional level of the unit of instruction.
 - A change in title of an approved unit of instruction that does not indicate a different objective of the unit than that previously approved.
 - The creation of an option (major, concentration, or specialization) within an approved unit of instruction in which:
 - the option created is within the same general academic discipline or occupational field as the previously approved unit of instruction,
 - the option created within a previously approved associate degree curriculum requires the same first-year sequence of courses as the previously approved unit of instruction, and
 - the option created does not substitute more than twelve (12) semester credit hours of other courses for courses previously approved as part of an associate degree curriculum or substitute more than six (6) semester credit hours of other courses for courses previously approved as part of a certificate curriculum of one year or more.
 - The creation of certificate curricula from previously approved associate degree curricula, providing no new courses are added for certificates of up to thirty (30) semester credit hours or no more than six (6) semester credit hours are substituted in certificates of thirty (30) semester credit hours or more.
- 3) Reasonable and moderate extensions of previously approved units of research or public service include units with an annual operating expenditure from whatever source of less than \$250,000 or an annual operating expenditure from state appropriations of less than \$50,000.
- 4) Reasonable and moderate extensions of previously approved units of administration include any administrative reorganization of a college.
- e) Approval in a Multi-College District. Approval of new units of instruction, research, or public service in a multi-college district will be for a specific college. Transfer of a unit to, or duplication of a unit by, other colleges within the district constitutes a new unit requiring approval by the ICCB. However, up to nine (9) hours of a program approved at one college may be offered by any other college in the district at the option of the Board.

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- f) When a college no longer offers an approved unit of instruction to additional new students, that unit of instruction shall be reported to the ICCB and shall be removed from the college catalog and other documents advertising the program offerings to the public.
- An inactive unit of instruction shall be maintained on the ICCB Curriculum Inventory file with the date that it became inactive for a period of at least ten years. The effective date that a unit of instruction becomes inactive shall be determined by the college.
 - A unit of instruction that has been inactive for less than three years may be reactivated by the college once it has:
 - Obtained approval to reactivate the program from its chief executive administrator.
 - Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate.
 - Submitted a notification to the ICCB.
 - A unit of instruction that has been inactive for three to ten years may be reactivated by the Executive Director of the ICCB if the college has:
 - Obtained approval to reactivate the program from its chief executive administrator.
 - Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate.
 - Demonstrated through local surveys or state labor market data that the labor market demand and supply shows a need for graduates of the program.
 - Conducted a review of the program with representatives from business and industry including on-site visits and advice regarding current technologies and equipment.
 - Demonstrated, in accordance with subsections (a)(5) and (a)(6) of this Section and Section 1501.510, that the college has adequate facilities, equipment and financial resource to offer a quality program.
 - Demonstrated, in accordance with Section 1501.303(f), that the college has available qualified faculty to provide the instruction for the program.
 - Submitted a request for the reactivation to the ICCB.
 - A unit of instruction that has been inactive for over ten years may be reactivated by following the new unit approval process described in subsection (a) of this Section.
 - Discontinuation of Programs. The ICCB may discontinue programs which fail to reflect the education needs of the area being served as follows:
 - Programs that do not meet standards of need, quality, and cost effectiveness may be discontinued by the ICCB. This determination shall be made based on review and collective findings of information available to the ICCB through ICCB and

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IBBE program review, evaluation, and productivity processes; the ICCB Management Information System; and other sources of pertinent information on the following criteria:

- A) Program need, including educational priorities of the district, accessibility, credit hours generated, enrollments, completions, and labor market supply and demand.
- B) Program quality, including job placement or education continuation, program content, academic control, faculty qualifications, and accreditation and credentialing.
- C) Program costs, including adequacy of financial support and unit costs.

2) The ICCB will utilize special state-level analyses to identify programs that appear to be of questionable need, cost, or quality based on state data. Programs identified through state-level analysis will be referred to the colleges to enable them to evaluate the programs in detail in their normal process and to obtain the results and comments from the local level.

3) The ICCB will notify college districts of programs being considered for discontinuation and shall grant the district 60 days to respond to concerns regarding the program in question prior to action by the Board. This information shall be taken into account in determining if a program should be discontinued by the ICCB.

4) Once a program is discontinued by the ICCB and the appeal process is concluded, the college must inactivate the program by not enrolling any additional new students and develop a plan for an orderly discontinuation of the program for students currently enrolled. Programs discontinued by the ICCB may be reestablished by obtaining approval as a new unit of instruction under subsection (a) of this Section.

(Source: Amended at 18 Ill. Reg. _____, effective
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Section 1501.307 Cooperative Agreements and Contracts

Cooperative agreements and contracts with other Illinois educational agencies and those out of state may be established for the purpose of providing more accessible instructional services to students and increasing efficiency in the use of educational resources, subject to the following conditions:

- a) A new unit of instruction to be offered by a community college solely through a cooperative agreement or contract with another educational agency is subject to approval by the ICCB as indicated in Section 1501.307.
- b) Agreements with Secondary Schools. If a community college enters into a cooperative agreement or contract with a secondary school to provide advanced or specialized secondary-level courses in either the academic or vocational field, the college shall charge the secondary school the

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per capita cost of offering such instruction, in which case the college shall not claim ICCB credit hour grants for these secondary school students, or the college shall charge the secondary school for secondary school student participation in accordance with a joint agreement between the college and the secondary school district under Section 10-22-20a of the School Code (Ill. Rev. Stat. 1987 1991, ch. 122, par. 10-22-20a) [105 ILCS 5/10-22-20a]. When charges are made pursuant to a joint agreement, credit hour grants may be claimed in accordance with Section 1501.507.

c) Intradistrict Cooperative Agreements for Instruction. A community college district may enter into intradistrict Any cooperative agreement or contract contractual arrangements entered into by a Board of Trustees to provide educational programs or services within its district for previously approved units of instruction research or public-service upon approval by the ICCB. Copies of these contractual arrangements shall be kept on file at the district central administrative office. Criteria for the approval of intradistrict agreements for instruction shall be:

- 1) accessibility of instruction to students
- 2) labor market need
- 3) cost-effectiveness in providing instructional programs

d) Intradistrict Interdistrict Cooperative Agreements for Instruction. A community college district may enter into intradistrict contractual arrangements if a community college district enters into a cooperative agreement or contract with another community college district to accept students from the other district into one or more of its previously approved curricula on a reciprocal basis, enable its students to attend the other district's programs, and (s) upon approval by the ICCB.

1) Criteria for the approval of intradistrict agreements for instruction shall be:

- A) accessibility of instruction to students
- B) labor market need
- C) comprehensiveness of available programs for students
- D) cost-effectiveness in providing instructional programs
- E) impact on regional and statewide program
- F) impact on programs at neighboring community college districts

2) the curricula included in the cooperative agreement or contract for instruction shall be listed in both colleges' the catalogs catalog of the college that does not have the program but is making it available to its students through a contractual arrangement with another college, and a copy of the listing shall be provided to the ICCB by July 1 annually kept on file at the district central administrative office.

e) Out-of-District Cooperative Agreements for Instruction. A community college district may enter into contractual arrangements with other public or nonpublic institutions of higher education for the delivery of units of instruction upon approval by ICCB. Criteria for approval

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of out-of-district agreements for instruction shall be:

- 1) accessibility of instruction to students
 - 2) labor market need
 - 3) comprehensiveness of available programs for students
 - 4) cost effectiveness in providing instruction programs
 - 5) impact on regional and statewide programs
 - 6) impact on programs at neighboring community college districts
- Extension-of-Credit-Courses--into--Illinois--Non-Community--College District--territory--A--college--shall--be--granted--approval--annually--to--extend--credit--courses--through--a--cooperative--agreement--or--contract--into--non-community--college--district--territory--in--Illinois--provided--such--approval--is--requested--on--forms--provided--by--the--ICCB--and--provided--the--college--reports--annually--on--such--approved--extensions--on--forms--provided--by--the--ICCB:
- 1) Changes, revisions, or additions to cooperative agreements previously approved by the ICCB are reasonable and moderate extensions and must be reported to the ICCB prior to implementation.
 - 2) Extension of Curricula Credit Courses into Another Community College District.
 - 1) A community college may extend previously approved curricula and credit courses into another community college district with approval of the other community college district.
 - 2) A community college may extend previously approved curricula into another community college district upon approval of the ICCB. Criteria for approval shall be:
 - A) a request from the community college district in which the proposed extension is to be offered
 - B) labor market need
 - C) cost effectiveness in providing instructional programs
 - D) adequacy of facilities and support services
 - E) impact on regional and statewide programs
 - F) impact on programs at neighboring community college districts
 - 3) If a district in which military installations, correctional institutions, or other state or federal institutions are located elects not to provide previously approved units of instruction to these institutions, any other college may apply to the ICCB to do so. If more than one college applies, the ICCB will select a college using the following criteria:
 - A) The proximity of the college to the institution.
 - B) The availability at the college of the instructional units needed by the institution.
 - C) The cost of providing the instructional units for the institution.
 - D) The college's past experience in offering similar units of instruction.
 - 4) Extension of Curricula/Credit Course Out of State. Curricula and credit courses offered at out-of-state locations (except for field trips and travel that are in conjunction with a course offered within

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the district) must have prior annual approval by the ICCB. A community college shall be granted annual approval to offer previously approved curricula credit courses out of state provided that it meets the following criteria:

- 1) A request for approval including information about the curricula and courses, location of the proposed extension, projected enrollments, and projected funding is submitted on forms provided by the ICCB.
- 2) The college shall identify how the extension will be used by students to complete degree or certificate programs.
- 3) If the extension is offered for out-of-state students, the college shall submit a copy of a written request from the group desiring the service and assurance that no state or local tax monies will be used to provide such extensions.
- 4) The college shall submit annual reports of its out-of-state extensions for the past fiscal year, on forms provided by the ICCB, by July 15 of each year.
- 5) The college shall request annual approval of its out-of-state extensions, on forms provided by the ICCB, prior to May 15 for the fiscal year beginning on the next July 1.
- 6) Deletion, modification, or addition of courses and curricula offered at out of state extensions previously approved by the ICCB are reasonable and moderate extensions and must be reported to the ICCB.

(Source: Amended at 18 Ill. Reg. _____, effective
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Section 1501.309 Course Classification and Applicability

- a) Course Classification. Information on courses for which credit is to be awarded shall be submitted to ICCB on forms provided by ICCB in order for the courses to be classified into appropriate instructional and funding categories and added to the college's Management Information System (MIS) Course Master File.
- b) Course Credit Hour Determination.
 - 1) Credit hours for courses for which ICCB credit hour grants are to be claimed shall be determined on the basis of an expected forty-five (45) hours of combined classroom/laboratory and study time for each semester hour or thirty (30) hours of such time for each quarter credit hour.
 - 2) Courses with students participating in lecture/discussion oriented instruction will be assigned one semester credit hour or equivalent for each fifteen (15) classroom contact hours of instruction per semester or equivalent. It is assumed that two (2) hours of outside study will be invested for each classroom contact hour.
 - 3) Courses in which students participate in laboratory/clinical-laboratory oriented instruction will be

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assigned one (1) semester credit hour or equivalent for each 30-45 classroom contact hours of instruction per semester or equivalent. It is assumed that one (1) hour of outside study will be invested for each two (2) laboratory contact hours.

- 4) Students who participate in nonclinical internship, practicum, or on-the-job supervised instruction shall receive one (1) semester credit hour or equivalent for each 75-149 contact hours per semester or equivalent and students who participate in clinical practicum shall receive one semester hour credit or equivalent for each 45 contact hours per semester or equivalent.

- c) Course Syllabus. A syllabus shall be developed and maintained for each credit course and shall be available to the public and students upon request. A syllabus contains the description of the course, specific objectives of the course, a topical outline, and the method for evaluating student performance.

- d) Course Applicability. All credit courses must be part of an approved unit of instruction (pursuant to Section 1501.302), and the approved unit of instruction for each course shall be indicated on the college's ICCB MIS Course Master File.

- 1) Lower-division Baccalaureate Courses. Courses designed to meet lower-division baccalaureate degree requirements shall be applicable to associate transfer degrees. For each baccalaureate course offered, the college shall maintain current written articulation agreements or transfer equivalency documents with:

- A) at least three (3) Illinois public universities, or
- B) at least three baccalaureate degree-granting institutions to which a majority (51%) of the college's students transfer,

or

- C) one or more baccalaureate degree-granting institutions to which a majority (51%) of the college's students majoring in the field for which the course is required transfer.

- 2) Remedial Course Credit. No remedial course credit shall be applicable to associate degrees designed for transfer to institutions granting baccalaureate degrees.

- 3) Adult Basic Education Course Credit. No adult basic education course credit is applicable to degrees or to certificates, except the Adult Basic Education Certificate.

- 4) Adult Secondary Education Course Credit. No adult secondary or college preparatory education course credit is applicable to degrees or certificates, except the Adult Secondary Education Certificate.

- 5) General Studies Course Credit. General studies course credit is applicable only to the Personal Development; Homemaking; Improving Family Circumstances; Intellectual and Cultural Studies; Community and Civic Development; and Health, Safety and Environment certificates.

- e) Special Upper-Division Courses.

- 1) A college may offer any course that is offered by a university, regardless of numbering system, if the university normally

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permits its own students to take the course as lower-division students. Such courses will be eligible for ICCB grants, if they meet all other criteria.

- 2) If at least three (3) public universities in Illinois agree, or if a public university which is the principal recipient of transfers from the community college agrees, certain special courses taught at the upper-division level may be offered by a college and be eligible for ICCB grants, provided they meet all other criteria.

- f) Independent Study. Independent study course credit shall not exceed 25% of the credit hour requirements for a student to earn an associate degree. The topic of an independent study course shall be listed on the student's permanent academic record.

- g) Internships. An internship experience for credit that is designed to provide the student an opportunity to put into practice the theories and techniques learned in the classroom laboratory shall be applicable to an associate degree or certificate, provided at least twelve (12) semester credit hours or equivalent in the corresponding curriculum are completed by the student prior to, or are taken by the student concurrently with, such experience.

- h) Courses Approved as Repeatable.

- 1) Courses in which the content varies from term to term or from student to student (e.g., independent study, special topics, and internship courses) or in which a student is expected to gain increased depth of knowledge and skill through repetition (e.g., music, speech, theatre, and journalism performance or production courses) shall, at the request of the college, be approved for repeatability under the following conditions:

- A) The number of times the course may be taken for credit does not exceed four semesters (or six quarters);

- B) The method of determining the amount of credit to be awarded for each section of the course, for each term, or for each student is specified in the college's catalog, on the course syllabus, and on the course classification form, and the subject matter and number of credits for which the student enrolled is specified on the student's permanent academic record;

- C) The college's catalog, the course syllabus, and the course classification form requesting approval of repeatability by the ICCB indicate the number of such credits that will apply to degree or certificate completion for a single course or a combination of related courses; and

- D) The total number of credit hours for a single course or a combination of related courses that are applicable to the degree or certificate completion does not exceed the maximums established in subsection (e) governing general studies, subsection (b) governing credit hour determination, or Section 1501.302(b)(10) governing the maximum credit hour production.

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- 2) A vocational skill course that persons employed in an occupation or vocation must retake periodically by law in order to maintain employment shall, at the request of the college, be approved for repeatability under the following conditions:
- The content of the course is determined by law and does not change from one year to the next, and
 - A copy of the law (or regulation administering it) and a course syllabus accompany the course classification form requesting repeatability.
- 3) An adult basic, adult secondary, or a remedial education course that is organized into discrete modules and offered for variable credit shall, at the request of the college, be approved for repeatability under the following conditions:
- No discrete module is repeated,
 - The title of each module completed and the grade received is permanently recorded on the student's permanent academic record, and
 - The content and number of credit hours for each discrete module is shown on the course syllabus and on the course classification form requesting approval of repeatability by the ICCB.
- 4) An adult basic, adult secondary or a remedial education course that is not organized into discrete modules shall, at the request of the college, be approved for repeatability under the following conditions:
- The number of times the course may be taken for credit does not exceed four times, i.e., repeatable three times.
 - The variety of skill levels included in the course and the methods used to accommodate individual differences based on an assessment of student skills is specified in the course syllabus.
 - The course title and the grade received is permanently recorded on the student's academic record each time that the course is taken.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 09 1994)

SUBPART D: STUDENTS

Section 1501.406 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- Basic characteristics, including sex, date of birth, ethnic classification, and instructional area of enrollment, of each student enrolled in all courses offered for credit during each term within the following schedule:

- Students enrolled as of the end of the regular registration

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- during the fall term shall be reported on or before October 1 of that year.
- Students enrolled and/or completing a certificate or degree program during the fiscal year shall be reported on or before August 1.
 - Student headcount and full-time equivalent enrollments as of the end of regular registration for fall and spring/winter each term terms within the following schedule:

1) Summer Term:	On-or-before-July-1
1) Fall Term:	On or before October 1
2) Winter Quarter:	On or before February 15
3) Spring Semester:	On or before February 15
5) Spring Quarter:	On-or-before-April-1
 - Colleges shall conduct a follow-up study of all students who completed specified occupational/career curricula during the previous fiscal year and shall report the results of this study on or before May 30 of that year in a format prescribed by the ICCB. Curricula to be included in the study will be specified in the ICCB Occupational Follow-up Study Manual.
 - An annual report on underrepresented groups submitted on or before September 1.
 - An annual report on community education and community service activities submitted on or before July 1.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 09 1994)

SUBPART E: FINANCE

Section 1501.501 Definition of Terms

Advanced Technology Equipment Grant. The Advanced Technology Equipment Grant provides state funds to Illinois public community colleges for the procurement of equipment necessary to upgrade curricula impacted by technological changes. (See Section 2-16 of the Act).

Annual Financial Statement. The "annual financial statement," which is required to be published by a district, consists of two parts: an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and

an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

Attendance at Mid-Term. A student is "in attendance at mid-term" in a course if the student is currently enrolled in and actively pursuing completion of the course.

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Auditor. An auditor is a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records prior to the end-of-registration date of the college for that particular term.

Business Assistance Centers and Workforce Preparation Economic Development Offices. Business assistance centers and workforce preparation economic development offices are entities at community colleges that conduct, coordinate, and assist with workforce preparation economic development activities.

Capital Renewal Grants. Capital renewal grants are state grants allocated proportionally to each community college district based on the latest fall in-campus residential gross square feet of facilities as certified by the ICCB. Such grants are to be utilized for miscellaneous capital improvements such as rehabilitation, remodeling, improvement, and repair; architect/engineer services; supplies, fixed equipment, and materials; and all other expenses required to complete the work.

Economic Development Activities. Economic development activities create or retain jobs and increase employment opportunities.

Economic Development Grants. Economic development grants provide funds for conducting economic development activities.

Repair and Renovation Grants. Repair and renovation grants are state grants allocated proportionally to each community college district based on the latest fall in-campus non-residential gross square feet of facilities as certified by the ICCB. Such grants are to be utilized for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair, and installation of capital facilities, cost of planning, supplies, equipment, materials, and services, and all other expenses required to complete the work.

Residency - Applicability-Verification of Status. As part of verification that its credit hours are eligible to receive ICCB grants, each community college district shall adopt a process for verifying the residency status of its students and shall file a description of this process with the ICCB by July 1, 1990. The process shall include the methods for verifying residency as defined in the General Provisions, Special State Provisions, and District Provisions of this subsection. Each district shall file descriptions of any revisions to its process with the ICCB prior to their implementation.

Residency - General Provisions. The following provisions apply

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both to state and district residency definitions:

To be classified as a resident of the State of Illinois on the community college district, each student shall have occupied a dwelling within the state or district for at least 30 days immediately prior to the date established by the district for classes to begin.

The district shall maintain documentation verifying state or district residency of students.

Students occupying a dwelling in the state or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.

Students who move from outside the state of district and who obtain residence in the state or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate, through documentation, a verifiable interest in establishing permanent residency.

Residency - District Provisions. Students shall not be classified as residents of the district where attending even through they may have met the general 30-day residency provision if they are:

federal job corps workers stationed in the district; members of the armed services stationed in the district; inmates of state or federal correctional/rehabilitation institutions located in the district; full-time students attending a postsecondary educational institution in the district who have not demonstrated, through documentation, a verifiable interest in establishing permanent residency; and students attending under the provisions of a chargeback or contractual agreement with another community college.

Residency - Special State Provisions. Students shall be classified as residents of the state without meeting the general 30-day residency provision if they are:

federal job corps workers stationed in Illinois; members of the armed services stationed in Illinois; inmates of state correctional/rehabilitation institutions located in Illinois; or employed full time in Illinois.

Special Populations Grant. A "special populations grant" provides funding for:

Special or extra services to assist special population students to initiate, continue, or resume their education; individual tutoring, educational and career counseling; referrals to external agencies, and testing/evaluation to determine courses of services needed by a special population student. Courses (not funded through credit hour grants) to provide the

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academic skills necessary to remedy or correct educational deficiencies to allow the attainment of educational goals, including remedial, adult basic education, adult secondary education, and English as a Second Language courses.

Special Populations Student. A "special populations student" is a student with a social, physical, developmental, or academic disability that makes it difficult for such a student to adapt to a college environment designed for the nonspecial populations student. This may include students from minority racial/ethnic groups. Colleges shall designate which of their students are special populations as determined by teacher and counselor evaluations and various standardized tests selected by the colleges.

Workforce Preparation Activities. Workforce preparation activities create or retain jobs and increase employment opportunities.

Workforce Preparation Grants. Workforce preparation grants provide funds for conducting workforce preparation activities.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 1501.503 Audits

a) External Audits.

1) Three (3) copies of the annual external audit shall be submitted to the ICCB on or before October 15, following the close of the fiscal year. If the audit cannot be completed by this date, the district may submit a request for extension of time to the Executive Director before October 1, following the close of the fiscal year. This request shall be accompanied by an explanation of the circumstances which cause the report to be delayed along with an estimated date for submission.

2) Each audit report shall contain financial statements composed of the funds established in Section 1501.511, a comment on internal control, a comment on basis of accounting, uniform financial statements prepared using the modified accrual basis of accounting, a certificate of chargeback verification and a state grant compliance section which shall include a schedule of enrollment data, a verification of enrollment data, a schedule of the district equalized assessed valuation and the statutory calendar year allocation of Corporate Personal Property Replacement Taxes for debt retirement, schedules for the restricted grants distributed by the ICCB and received by the district in the manner and format established by the ICCB, and a schedule of federal financial assistance and related reports as prescribed by the federal Office of Management and Budget.

A) The special populations grant schedules shall verify that

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special populations grant funds received by the district were expended in accordance with Section 1501.508(c) and shall include an "Auditor's Report on Compliance with State Requirements," along with a statement of revenues and expenditures and a balance sheet. Multi-campus districts shall submit a single report for the district which includes separate statements for each college as such relate to Section 1501.508(e).

B) The workforce preparation economic-development grant schedules shall verify that the workforce preparation economic-development grant funds received by the district were expended in accordance with Section 1501.509 and shall include an "Auditor's Report on Compliance with State Requirements," along with a statement of revenues and expenditures and a balance sheet.

C) The advanced technology equipment grant schedules shall verify that the advanced technology equipment grant funds were expended in accordance with Section 1501.515 and shall include an "Auditor's Report on Compliance with State Requirements," along with a statement of revenues and expenditures and a balance sheet.

D) The retirees health insurance grant schedules shall verify that the retirees health insurance grant funds were expended in accordance with Section 1501.517, and shall include an "Auditor's Report on Compliance with State Requirements," along with a statement of revenues and expenditures and a balance sheet.

b) Confirmation of ICCB Grants and District Credit Hours. For the purposes of confirming district records, each district shall request that its external auditor request from the ICCB a report of grants received and reimbursable student credit hours generated by the district during the fiscal year. Each district shall notify its independent external auditing firm of this requirement and will instruct that firm to make the request using the format prescribed by the Board.

c) After receipt of the external audit, the district shall reconcile its audited expenditures to previously submitted unit cost data. The reconciliation shall be submitted on forms provided by the ICCB.

(Source: Amended at 18 Ill. Reg. _____, effective _____ MAR 09 1994)

Section 1501.505 Nonresident Non-Resident Student Tuition Calculations

a) The out-of-district tuition rate to be charged to the district of the student's residence shall be calculated as specified in Chapter 127 of Section 106.2 of the Illinois Revised Statutes, 1981, and a copy of this calculation shall be submitted for each fiscal year to the ICCB on or before October 15 of that fiscal year.

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- b) ~~the apportionment grant rate specified in the out-of-district-tuition calculation prescribed in Section 106-2 of the Act shall be determined by dividing the district's current fiscal year's apportionment grants by the district's apportionment enrollment for the second post-fiscal year.~~
- a) ~~The depreciation rate used in the out-of-district tuition calculation for capital expenditures for equipment and temporary buildings shall be 12.5 percent each year for eight (8) years, and for permanent facilities 2 percent each year for fifty (50) years.~~
- b) ~~The foreign student tuition rate shall be the same as out-of-state student tuition rate, as specified in Chapter 122, Section 106-4.1 of the 1991 Illinois Revised Statutes [10 ILCS 805.6-4.1].~~

Source: ~~MAR 04 1994~~ at 18 Ill. Reg. _____, effective _____

Section 1501.507 Credit Hour Grants

- a) Claims. Claims for credit hours shall be submitted within thirty (30) days after the end of each term on forms provided by the ICCB.
- b) Course Requirements. Courses which produce credit hours eligible for ICCB grants shall satisfy the following requirements:
- 1) Courses shall be offered for the number of credit hours for which they are approved by the ICCB.
 - 2) Courses which have variable credit hours shall be claimed in specified increments only up to the maximum credit value approved for the course.
 - 3) Course data shall be posted to the permanent academic record of each student claimed.
 - 4) Courses shall be a part of units of instruction which have been approved by the ICCB, or the courses must be authorized extensions of existing units of instruction.
 - 5) Courses shall have specific written objectives.
 - 6) A course outline shall be available for review by any student or citizen.
 - 7) Courses shall have a method of evaluating student performance which follows the adopted college grading system.
 - 8) Courses shall follow the adopted college policies on student tuition.
 - 9) The following categories of physical education courses shall be the only ones to produce eligible credit hours:
 - A) Elective physical education courses;
 - B) Required courses for majors and minors in physical education, recreational leadership, and related programs;
 - C) Physical education courses in teacher education programs as required by the State Teachers Certification Board.
 - 10) Courses shall produce a maximum rate of one (1) semester credit hour or equivalent per week. Requests for exceptions to this part may be submitted to the ICCB. The criteria utilized by the

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ICCB for exceptions shall include:

- A) documentation of need for an intensified or accelerated schedule;
 - B) student population identified with testing and/or screening to indicate special needs and/or competencies;
 - C) how courses are instructed, including schedule of classes, study time allotted for students, method of instruction and how students are evaluated;
 - D) time period of instructional activity and projected termination date;
 - E) procedures to evaluate the accelerated instructional activity.
- c) Student requirements. The following requirements shall apply to students who generate credit hours eligible for ICCB grants:
- 1) Students shall be certified by their instructors as being in attendance at mid-term by including a certification statement on the mid-term class roster, signed and dated by the instructor.
 - 2) Students who complete a course with a passing grade by the end of the term and who were not certified as being in attendance at mid-term by the instructor shall be considered as having been in attendance at mid-term.
 - 3) Students shall be residents of the State of Illinois.
 - 4) Auditors or visitors in a course shall not produce eligible credit hours.
 - 5) Students who repeat enrollment in a course shall produce credit hours eligible for ICCB grants only when one of the following conditions is met:

- A) If the student completed the course the first time of enrollment with less than a grade of C (or equivalent) and ~~the course is necessary to satisfy requirements for a degree or certificate~~ and if ~~that~~ the student was claimed for credit hour grant funding, the student may enroll and be claimed in the course one additional time, or if a student completed the course previously and was claimed for credit hour grant funding, the student may be claimed for retaking the course if the student uses his/her option to retake the course tuition free under the college's educational guarantee program, or
- B) If the student enrolled in the course previously and withdrew before completing the course, and if the student was claimed for credit hour grant funding, the student may enroll and be claimed in the course one additional time, or
- C) If a student completed the course one additional time, or claimed for credit hour grant funding, the student may be claimed for retaking the course if the student uses his/her option to retake the course tuition free under the college's educational guarantee program, or
- D) If the last time the student completed the course was at least four years previously, the student may be claimed for credit hour grant funding if the student repeats the course to upgrade his/her skills in that area, or
- BE) If a course has been approved by the ICCB to be repeated, the student may repeat the course and be claimed as often as approved by the ICCB.

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d) Exceptions. The following credits will not be eligible for ICCB credit hour grants:

- 1) Credit by examination;
- 2) Military service credit for physical education;
- 3) Transfer of credit earned at other institutions or in the armed forces;
- 4) Proficiency examinations;
- 5) Advanced placement credits;
- 6) Other methods of program acceleration which do not include instruction.

(Source: Amended at 18 Ill. Reg. _____, effective _____, **MAR 09 1994**)

Section 1501.516 Capital Renewal Repair-and-Renovation Grants

a) Districts may apply annually to the ICCB for approval of capital renewal repair-and--renovation grant projects. Requests for ICCB approval of capital renewal repair-and--renovation grant projects shall be submitted using forms prescribed by the ICCB.

b) Expenditures of funds from this grant are limited to capital renewal repair-and--renovation projects that are within the scope of the definition of capital renewal repair-and--renovation grants contained in Section 1501.501.

c) Funds received from this grant shall be accounted for in the Operations and Maintenance Fund (Restricted) (see Section 1501.511(a)(7)).

d) Other sources of funding may be added to capital renewal repair-and--renovation grant funds to finance larger projects.

e) Projects shall be designed and constructed to meet all applicable facilities codes as specified in Section 1501.603(f).

f) Authority to approve capital renewal repair-and--renovation grant projects is delegated to the ICCB or its Executive Director.

(Source: Amended at 18 Ill. Reg. _____, effective _____, **MAR 09 1994**)

SUBPART F: CAPITAL PROJECTS

Section 1501.607 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated;

- a) Progress reports of all construction projects by January 1 and ~~July 1~~ of each year.
- b) Course resource data showing the facilities used by each course offered for credit during the fall term within thirty (30) days after the end of the term.
- c) An inventory of its facilities and an update of this inventory

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annually as of the fall term within sixty (60) days after the end of the fall term.

(Source: Amended at 18 Ill. Reg. _____, effective _____, **MAR 09 1994**)

SUBPART G: STATE COMMUNITY COLLEGE

Section 1501.703 Recognition

"The standards used as a basis for evaluating SCC for recognition purposes are those identified in Section 1501.114 **Subpart-B**, except those excluded because of the applicability provisions of Section 1501.702. In addition, SCC shall be evaluated for its compliance with those rules identified in Section 1501.704 and 707.

(Source: Amended at 18 Ill. Reg. _____, effective _____, **MAR 09 1994**)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) HEADING OF THE PART: Commercial Fishing and Musseling in Certain Waters of the State

- 2) CODE CITATION: 17 Ill. Adm. Code 830

- 3) SECTION NUMBERS:

830.20
830.40
830.60

EMERGENCY ACTION:

Amendments
Amendments
Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5) [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, 25-5].

- 5) EFFECTIVE DATE OF AMENDMENTS: MAR 14 1994

- 6) IF THIS EMERGENCY AMENDMENT IS TO EXPIRE BEFORE THE END OF THE 150-DAY PERIOD, PLEASE SPECIFY THE DATE ON WHICH IT IS TO EXPIRE: This emergency amendment will remain in effect for the 150-day period.

- 7) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: March 14, 1994

- 8) REASON FOR EMERGENCY: To remove the Illinois River and its backwaters from the list of waters open to the commercial harvest of mussels.

- 9) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
The zebra mussel population has exploded this past summer in the Illinois River and native mussels are under severe stress because of this expansion. It is important to leave as many live, reproductive adults in the native mussel populations as possible. Zebra mussels have already proven to be deadly to native mussels in other locations. The Western Basin of Lake Erie historically contained 12 species of native mussels. Following zebra mussel invasion, all 12 species were extirpated. The U.S. Fish and Wildlife Service is estimating that 20 species of native mussels will become extinct due to zebra mussel infestation. In the Illinois River zebra mussels have already infested between 88% and 100% of the native mussels depending on location. Emergency closure is needed to protect those mussels able to withstand or avoid zebra mussel infestation.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

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- 10) ARE THERE ANY PROPOSED AMENDMENTS TO THIS PART PENDING? No
- 11) STATEMENT OF STATEWIDE POLICY OBJECTIVES (if applicable):
- 12) INFORMATION AND QUESTIONS REGARDING THESE AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE EMERGENCY AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section	Definitions
830.05	Waters Open to Commercial Harvest of Fish
830.10	Waters Open to Commercial Harvest of Mussels and seasons
EMERGENCY	
830.30	Special Regulations
830.40	Devices
EMERGENCY	
830.50	Permission
830.60	Species
EMERGENCY	
830.70	Size Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5) [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. _____, effective MAR 14 1994, for a maximum of 150 days.

Section 830.20 Waters Open to Commercial Harvest of Mussels and Seasons
EMERGENCY

a)——Mississippi River and backwaters, April 15 to August 31

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

inclusive, except for the following areas:

1) a All of the area directly above Lock and Dam 12 (RM 556.7) from the center of the navigation channel east to the Illinois shoreline and northward a line extending from RM 558.4 to the Blanding's Landing boat ramp, including but not limited to all of the area contained within the designated U.S. Military Reservation area.

2) b All of the waters contained within Sylvan Slough from the Interstate 74 highway bridge (RM 485.8) west to the lower tip of Arsenal Island (RM 482.6).

3) c All of the area north of and perpendicular to the center line of the navigation channel to the Illinois shoreline lying between RM 433.0 (New Boston Boat Launching Ramp) to RM 433.8 (lower tip of the first upstream island along the Illinois shoreline).

4) d Pontoosuc Bay contained within and described as that area from the center of the main navigation channel and perpendicular to the Illinois shoreline located between RM 388.0 (Pontoosuc light and daymark) and RM 390.2 (Dallas City boat access area).

5) e All of the area southward of the center of the navigation channel and perpendicular to the Illinois shoreline on a line from the Des Moines River daymark (Iowa side) and the Des Moines River lighted buoy (Illinois side), both of which are at RM 361.7, to Lock and Dam 19 (RM 364.5) including any slough channels of the Mud Island area along the Illinois side.

6) f All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between RM 314.0 (Whitney light and daymark) and RM 316.0 (Hadley Island Goale light and daymark).

7) g All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between River Mile 238.4 (Hasting's Landing light and daymark) and River Mile 246.8 (Turner Landing light and daymark).

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- b) ~~Illinois River and backwaters, April 15 to August 31 inclusive~~

(Source: Emergency Amendments at 18 Ill. Reg. effective MAR 14 1994, for a maximum of 150 days)

Section 830.40 Devices EMERGENCY

- a) Commercial fishing devices used in the aforementioned waters shall conform to all regulations as outlined in Article 15 of Chapter 56 of the Illinois Revised Statutes. Hoop nets, basket traps, trot lines and dip nets may be used in all of the aforementioned waters.

- b) It shall be unlawful:

- 1) To use trammel nets and gill nets except in the Illinois River up to Route 89 Highway bridge and the Mississippi River.

- 2) To use seines except in the Illinois, Mississippi and Wabash Rivers.

- c) Musseling devices used in waters open to commercial musseling shall conform to all regulations as outlined below and in Articles 1 and 15 of Chapter 56 of the Illinois Revised Statutes. Handpicking ~~and~~ crowfoot bars and hand forks may be used in all waters listed in Section 830.20 above.

- d) It shall be unlawful to use hand forks except in the ~~Illinois and Mississippi Rivers~~ Mississippi River.

Hand fork - mussel harvesting device similar in appearance to a common cornfork and is utilized while wading.

- e) It shall be unlawful to use basket dredges, mechanical devices and hand dredges in the taking of mussels.

- 1) Basket dredge - mussel harvesting device consisting of a heavy metal box or square which collects the shells in a net or wire cage, weighs over 70 pounds, and is not operated by hand as described in Section 830.40 (e) (3).

- 2) Mechanical devices - refers to dredges and suction

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devices operated by motorized (internal combustion or electrical) power used in the actual harvest of mussels and does not refer to the manner in which the mussel harvest device is raised into the boat or the device used in propelling the boat.

- 3) Hand dredge (hand rake, hand powered rake) - mussel harvesting device weighing less than 70 pounds consisting of a metal frame having coarse teeth on the bottom to which a bag constructed of wire mesh or netting material is attached and fastened by a line to a boom attached to the bow of the boat and held on the bottom by means of a long handle.

(Source: Emergency Amendments at 18 Ill. Reg. effective MAR 14 1994, for a maximum of 150 days)

Section 830.60 Species EMERGENCY

- a) The following species of fish may be taken by licensed commercial fishermen:

- 1) Carp
- 2) Buffalo
- 3) Freshwater drum
- 4) Catfishes (includes bullheads)
- 5) Paddlefish
- 6) Carpsuckers
- 7) Suckers
- 8) Redhorses
- 9) Goldeye and Mooneye
- 10) Gar (except alligator gar)
- 11) Bowfin
- 12) American eel
- 13) Shovelnose sturgeon

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- 14) Gizzard shad
 - 15) White amur (grass carp)
 - 16) Minnows
 - 17) Goldfish
 - 18) Bighead Carp and Silver Carp
- b) The following species of mussels may be taken by licensed commercial musselers:
- 1) Washboard (*Megalonaia nervosa*)
 - 2) Threeridge (*Ambelma plicata*)
 - 3) Buckhorn or Pistol Grip (*Tritogonia verrucosa*); may not be taken from the Mississippi and Illinois Rivers
 - 4) Mapleleaf (*Quadrula quadrula*)
 - 5) Pimpleback (*Quadrula pustulosa*)
 - 6) Monkeyface (*Quadrula metanevra*)
 - 7) Wartyback (*Quadrula nodulata*)
 - 8) Pigtoe (*Fusconaia flava* forma undata)
 - 9) Mucket (*Actinonaias ligamentina*); may not be taken from the Mississippi and Illinois Rivers
 - ~~10) Ohio River pigtoe (*Pleurobema cordatum*)~~
 - ~~11) Hickory Nut (*Obovaria olivaria*)~~
 - ~~12) Pink Heelsplitter (*Potamilus alatus*)~~
 - ~~13) Wabash River Pig-toe (*Fusconaia flava* forma flava)~~
 - ~~14) Pocketbook (*Lampsilis ovata*)~~
 - ~~15) Black Sandshell (*Ligumia recta*)~~

(Source: Emergency Amendments at 18 Ill. Reg. _____,

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

effective MAR 14 1994, for a maximum of 150 days)

CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Fees for Processing Requests for Conviction Information
- 2) Code Citation: 20 Ill. Adm. Code 1570
- 3)

<u>Section Numbers:</u>	<u>Adopted Action</u>
1570.10	New Section
1570.20	New Section
1570.30	New Section
1570.40	New Section
1570.50	New Section
1570.60	New Section
- 4) Statutory Authority: 20 ILCS 2635/1 et seq.
- 5) Effective Date of Rules: MAR 14 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in Agency's principal office: March 9, 1994
- 9) Date Notice of Proposed Rule Published in Register: December 10, 1993; 17 Ill. Reg. 21136
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposed and final version: Sections 1570.50(c) was amended and Section 1570.50(d) was deleted to clarify that the Authority must submit any increase in the maximum fee through the rulemaking process. In addition, minor non-substantive changes were made pursuant to comments from the Administrative Code Division and JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this part? No

CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rules: These rules are being proposed to establish uniform procedures by which criminal justice agencies other than the Department of State Police agencies may assist a person who requests conviction information, pursuant to the Illinois Uniform Conviction Information Act, and to inform such agencies of the criteria that will be used to determine the maximum fee they may charge for processing a request. In addition, these rules are being formulated, consistent with the Act, to encourage the use of fingerprint-based requests for conviction information in order to increase the accuracy and completeness of the information provided.
- 16) Information and questions regarding these adopted rules shall be directed to:

Robert P. Boehmer
General Counsel
Illinois Criminal Justice Information Authority
120 S. Riverside Plaza
Chicago, IL 60606-3997

The full text of the Adopted Rules begins on the next page:

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

PART 1570

FEES FOR PROCESSING REQUESTS
FOR CONVICTION INFORMATION

Section	Purpose and Authorization
1570.10	Definitions
1570.20	Form and Manner for Assisting in the Processing of Conviction Information
1570.30	Cost Criteria for the Fee to be Charged
1570.40	Fee Determination
1570.50	Notification of Fee Amount
1570.60	

AUTHORITY: Implementing and authorized by the Illinois Uniform Conviction Information Act (20 ILCS 2635).

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

MAR 14 1994

Section 1570.10 Purpose and Authorization

Pursuant to the Illinois Uniform Conviction Information Act (20 ILCS 2635) ("the Act"), the Illinois Criminal Justice Information Authority is charged with the responsibility of establishing the form, manner and maximum fee that criminal justice agencies other than the Department of State Police may charge for assisting in the processing of requests for conviction information under the Act. These rules describe the procedure to be followed by a criminal justice agency in processing a request for conviction information under the Act and the method for establishing the fee to be charged for providing such assistance.

Section 1570.20 Definitions

Terms used in this Part have the meaning ascribed to them in the Act. In addition, unless the context otherwise requires, the following terms have the meaning ascribed to them herein:

"Authority" means the Illinois Criminal Justice Information Authority.

"CIR Form" means the Conviction Information Request Form adopted by the Department of State Police (20 Ill. Adm. Code 1215) for requesting information under the Act.

"Individual record subject" means the person whose fingerprints are being taken pursuant to a request to obtain conviction information under the Act.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED RULES

Section 1570.30 Form and Manner for Assisting in the Processing of Conviction Information

a) A criminal justice agency that assists in the processing of criminal conviction information requests pursuant to the Act shall do so as follows:

- 1) Provide such assistance, at a minimum, during its regular business hours, Monday through Friday, excluding holidays.
 - 2) Verify the identity of the individual record subject. In making this verification, the agency shall require at least two forms of identification, one of which shall be a photographic identification. Acceptable photographic identification shall be of a nature that cannot easily be forged, such as valid passports or driver's licenses, identification cards issued by the Secretary of State, or military or other photographic identification of a similar reliability.
 - 3) After verification of the identity of the individual record subject, the personnel of the criminal justice agency shall fingerprint the record subject on a CIR Form. It shall be the responsibility of the requester to obtain such form from the Department of State Police.
 - 4) The criminal justice agency shall review the CIR Form to verify that it is accurately completed, as appropriate, by the requester, in conformance with the requirements of the Department of State Police.
 - 5) The criminal justice agency may charge the requester a fee pursuant to Section 1570.40.
 - 6) The criminal justice agency shall return the CIR Form to the requester, who shall be responsible for mailing it to the Department of State Police.
- b) A local criminal justice agency that does not assist in processing a request for conviction information pursuant to the Act shall inform the requester that the conviction information sought can be obtained directly from the Department of State Police at the following address or phone number:

Illinois State Police
Bureau of Identification
260 North Chicago St.
Joliet, Illinois 60431
Telephone number: (815) 740-5160

Section 1570.40 Cost Criteria for the Fee to be Charged

- a) The Authority shall establish the maximum fee that may be charged by criminal justice agencies other than the Department of State Police for assisting in the processing of requests for conviction information made pursuant to the Act. This fee shall be based on a reasonable estimate of the actual costs to participating criminal justice agencies throughout the State to comply with these rules.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED RULES

- b) In establishing the maximum fee that a criminal justice agency other than the Department of State Police may charge, the Authority shall consider the following criteria:

- 1) Personnel Costs. The fee charged shall include all personnel costs necessary to assist in the processing of the request forms. Such costs shall include time allocated for:

- A) Giving instructions to the requester,
- B) Fingerprinting the individual record subject,
- C) Reviewing the CIR Form,
- D) Processing the fee, and
- E) Supervising and training personnel to comply with these rules.

- 2) Tangible Costs. The fee charged shall include all expenses incurred by a criminal justice agency other than the Department of State Police which are directly attributable to assisting in the processing of requests for conviction information. Such costs shall include, as may be appropriate, the cost for:

- A) Fingerprinting materials and supplies such as ink, rollers, cleaning fluids, and towels, and
- B) Telecommunications services.

Section 1570.50 Fee Determination

- a) Pursuant to Section 1570.40, the Authority shall establish the maximum fee for each calendar year by December 10 of the preceding year. In establishing this fee amount, the Authority shall consult with representatives of criminal justice agencies, and representatives of municipal, civic, and business groups to:

- 1) establish a reasonable estimate of the actual costs to participating criminal justice agencies throughout the State to comply with these rules, and

- 2) determine if there would be an unreasonable negative impact or undue burden placed on requesters of conviction information.

- b) Pursuant to the Act, nothing herein shall be deemed to prevent a criminal justice agency from waiving or reducing the fee established pursuant to Section 1570.40.

- c) For the calendar year 1994 and each year thereafter, the maximum fee established by the Authority that a criminal justice agency other than the Department of State Police may charge and assess under these rules shall be ten dollars (\$10).

Section 1570.60 Notification of Fee Amount

- a) Within seven working days after the fee has been established for a calendar year, the Authority shall inform the chief executive officer of each criminal justice agency in Illinois of the amount of the fee. However, notice of the fee for a calendar year shall be given no later than December 15th of the preceding calendar year.

- b) Other interested agencies, organizations, and the public shall, upon

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED RULES

request, also be entitled to be informed of the amount of the fee set by the Authority. Within 7 working days after receipt of such a request, the Executive Director of the Authority shall inform the requester of the fee approved by the Authority.

Requests for notification of the fee amount may be made by calling the Authority at (312)793-8550 or TDD (312)793-4170 between 8:30 a.m. and 5:00 p.m. on working days or by writing to:

Executive Director
 Illinois Criminal Justice Information Authority
 120 South Riverside Plaza
 Chicago, Illinois 60606

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Number: Adopted Action:
 226.564 Amendment
 226.640 Amendment
 226.680 Amendment
 226.688 Amendment
 226.690 Amendment
- 4) Statutory Authority: Ill. Rev. Stat 1991, ch. 122, par. 2-3.6; 105 ILCS 5/2-3.6.
- 5) Effective Date of Rules: MAR 14 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: March 10, 1994.
- 9) Notice of Proposal Published in Illinois Register:
 October 22, 1993; 17 Ill. Reg. 18405.
- 10) Has JCAR issued a Statement of Objections to these rules?
 No.
- 11) Difference(s) between proposal and final version: The only difference between the proposal and the final version involves a technical correction to the authority note.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 No agreement letter was issued by JCAR, and no changes were made.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this part? No.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

These amendments respond to conditions imposed by the federal Office of Special Education Programs (OSEP) as part of that agency's approval of Illinois' State Plan for Special Education. OSEP has indicated that Section 226.564 would need to be amended to eliminate an apparent conflict with the federal rule on the placement decision (at 34 CFR 300.533); that all federal requirements for administrative appeals must be reflected in Illinois' rules (Sections 226.688 and 226.690, corresponding to 34 CFR 300.510); and that parents must have the unconditional right to have the child present at a hearing (Section 226.640, corresponding to 34 CFR 300.510 - 300.514). Section 226.680 is being amended to reflect the correct address for correspondence directed to the State Board's Legal Department.

16) Information and questions regarding this adopted amendment shall be directed to:

Name Vaughn Morrison
 Address Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777-0001
 Telephone: (217) 782-6601

The full text of the adopted amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: DEFINITION OF TERMS

Section
226.5

Terms Defined

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

Section

226.10 Cost to be Borne by Local School District
 226.20 Comprehensive Program of Special Education
 226.30 Cooperative Special Education Programs
 226.40 Rights of Children Requiring Special Education-
 Exclusion

SUBPART C: THE ESTABLISHMENT AND ADMINISTRATION OF
SPECIAL EDUCATION

Section

226.110 Educational Needs to be Met
 226.115 Continuum of Program Options
 226.120 Ages for Which Programs are to be Available
 226.125 Least Restrictive Environment
 226.130 Facilities for Classes for Handicapped
 226.135 Written Policies for Handicapped Students' Records
 226.140 Director of Special Education
 226.145 Supervision
 226.150 Role of Local District Administrator
 226.155 Responsibilities to Be In Writing
 226.160 Approval of Programs and Services Not in Compliance
 With this Part

SUBPART D: SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND
RESOURCE PROGRAMS

Section

226.210 Design of Special Education Instructional Programs
 226.215 Curriculum for Instructional Programs
 226.220 Factors to Consider in Developing Instructional
 Programs
 226.225 Instructional Class Size

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

226.230 Integration of Student Into Standard Program
 226.240 Special Education Resource Programs

SUBPART E: SPECIAL EDUCATION RELATED SERVICES

Section

226.250 Related Services to be Provided by School District
 226.260 Other Related Services
 226.270 Student Based Objectives
 226.280 Specific Objectives
 226.290 Time Spent on Behalf of Students

SUBPART F: PREVOCATIONAL PROGRAM

Section

226.310 Provision of Prevocational Programs
 226.315 Determination of Need for Prevocational Program
 226.320 Vocational Plan
 226.325 Community Work Experiences
 226.330 Time Spent in Community Work Experiences
 226.335 Supervision of Community Work Experiences
 226.340 Coordination With Other Vocational Programs

SUBPART G: HOME OR HOSPITAL PROGRAM

Section

226.350 Content of Home and Hospital Programs
 226.355 To Whom Provided
 226.360 Commencement
 226.365 Amount of Instruction and Related Service
 226.370 Scheduling
 226.375 Summer Instructional Service
 226.380 Conferences to Facilitate Student's Return
 226.385 Improper Use of Home and Hospital Program

SUBPART H: STATE OPERATED OR PRIVATE PROGRAMS

Section

226.410 Referral to State or Private Facilities
 226.415 Availability of Community Resources
 226.420 Residential Placement
 226.425 District's Responsibility to Locate Alternate Programs
 226.430 Local District Responsible for Payment When Private
 Facility is Utilized
 226.435 Annual Approval of Private Placements
 226.440 Agreement Between Local School District and Private
 Facility
 226.442 Supportive Data to be Maintained

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

226.445 Transportation and Other Services
 226.450 Monitoring of Student Progress by School District
 226.460 Annual Transportation (Repealed)

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 EXCEPTIONAL CHILDREN

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 226.510 Child Find Activities
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 226.632 Scheduling the Hearing
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 226.688 Oral Arguments and Extensions of Time
 226.690 Timeliness and Finality of Reviewing Officer's Decision
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 226.1145 Compliance With This Part Subject to State Board of Education Evaluation
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226.1155 Resident Children Eligible for All Privileges
 226.1160 Local District Policies Applicable
 226.1170 Communications Regarding Child's Special Education Reimbursement
 226.1175 Reimbursement
 226.1180 Possible Waiver of Sections 226.1120 and 226.1150
 226.1185 Computation of District's Reimbursement
 226.1190 Preapproval Application
 226.1195 Documentation of Expenses

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code, (Ill. Rev. Stat. 1991, ch. 122, pars. 14-1.01 et seq. and 2-3.6) [105 ILCS 5/14-1.01 et seq. and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 19 Ill. Reg. 14139, effective January 14, 1994.

NOTE: Capitalization denotes statutory language.

SUBPART I: IDENTIFICATION, EVALUATION AND PLACEMENT OF EXCEPTIONAL CHILDREN

Section 226.564 Authority of School Board to Place Students
~~the local school board has the authority to place students in special education programs. The board may also authorize, by regulation, the director of special education to place students~~

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in special education programs. (See Ill. Rev. Stat. 1981-chr-122, par. 10-22.41) The local school board, or by school board action the director of special education, shall authorize a representative of the district to make commitments for the provision of services on behalf of the district as required by Section 226.560(b)(1) of this Part.

(Source: Amended at ___ Ill. Reg. ___, effective MAR 14 1994.)

SUBPART J: LEVEL I AND LEVEL II DUE PROCESS HEARINGS

Section 226.640 Rights of the Parties During the Hearing

- a) The hearing officer shall conduct the hearing in a fair, impartial and orderly manner. The hearing officer shall afford each party an opportunity to present the evidence, testimony, and arguments each party believes necessary to support and/or clarify the issues in dispute and the relief the party is requesting. The hearing officer shall regulate the course of the hearing and the conduct of the parties or their counsel.

- b) The hearing shall be closed to the public unless the parents of the child specifically request that it be an open hearing. The hearing officer shall advise the parents of their right to have the hearing open to the public, and if the parents make such a request, the hearing shall be open. ~~the hearing officer shall also advise the parents that they have the right to have the child whose needs and services are in dispute attend the hearing. THE STUDENT SHALL BE ALLOWED TO ATTEND THE HEARING UNLESS a party objects and the HEARING OFFICER FINDS THAT ATTENDANCE IS NOT IN THE CHILD'S BEST INTEREST OR DETRIMENTAL TO THE CHILD. THE HEARING OFFICER SHALL SPECIFY IN THE FINDINGS THE REASON FOR DENYING ATTENDANCE BY THE STUDENT. (Section 14-8.02 of the School Code.)~~

- c) Pursuant to 34 CFR 300.508(b)(1), the parent has the right to have the child who is the subject of the hearing present at the hearing. The hearing officer's authority under Section 14-8.02(q) of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 14-8.02(q)) [105 ILCS 5/14-8.02(g)] to find that the attendance of the child is not in the child's best interest or is detrimental to the child is limited to circumstances where, after notice from the hearing officer to the

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parents and an opportunity for response by the parents. The hearing officer finds that the attendance of the child will preclude the proceedings from being conducted consistently with the requirements of due process set forth in the Individuals with Disabilities Act (20 U.S.C. 1411-1420) and the rules of the United States Department of Education (34 CFR 300.500 - 300.514). The hearing officer shall specify in writing the basis for any finding that the attendance of the child will preclude the proceedings from being conducted consistently with the requirements of due process.

- d) ~~e)~~ The parties shall have the right to confront and cross-examine witnesses, including those whose attendance they have compelled by issuance of a subpoena.

- e) ~~d)~~ Either party may prohibit the introduction of evidence which was not disclosed to that party at least five (5) calendar days prior to the hearing.

(Source: Amended at ___ Ill. Reg. ___, effective MAR 14 1994.)

Section 226.680 Filing of an Appeal

- a) Any party aggrieved by the decision of the Level I hearing officer may file for a Level II review. The appeal request shall be in writing, shall be filed by mail or personal service no later than thirty (30) calendar days after receipt by the party of the Level I hearing officer's decision, and shall be submitted to the State Board of Education, attention Legal Department, ~~Suite 14-300, 100 West Randolph, Chicago, Illinois 60601~~ 100 North First Street, Springfield, Illinois 62777. At the time of filing the appeal, the appealing party shall serve a copy of the appeal request upon the opposing party by mail or personal service.

- b) A request for a Level II review shall:

- 1) state that an appeal of a Level I decision is being requested;
- 2) set forth the portions of the Level I decision with which the party disagrees;

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- 3) set forth the reasons the decision should be changed;
- 4) state the relief requested;
- 5) set forth a request for oral argument, if desired; and
- 6) state that a copy of the request has been served on the opposing party.

c) Upon receipt of any appeal request, the State Board of Education shall immediately transmit to the parties by certified mail a list naming five available and qualified impartial reviewing officers. Upon receipt of said list, the district's representative shall immediately telephone the parents. The parties shall then, with the parents striking first, alternately strike names from the list of reviewing officers until only one name remains. The reviewing officer whose name remains shall be the reviewer selected by the parties. The district shall, no later than five (5) calendar days after receipt of the list by the parties, telephone the Legal Department of the State Board of Education and provide the name of the selected reviewing officer. The district shall simultaneously send verification in writing by certified mail of the name of the selected reviewing officer to the Legal Department of the State Board of Education and to the opposing party.

d) To ensure immediate transmittal of the list of five qualified reviewing officers, the Legal Department of the State Board of Education shall maintain a registry of all persons qualified pursuant to Section 14-8.02(h) of ~~the~~ the School Code (Ill. Rev. Stat. ~~1989~~ 1991, ch. 122, par. 14-8.02(h)) [105 ILCS 5/14-8.02(h)]. The Legal Department shall ensure that each person on the list of five reviewing officers to be sent to the parties is trained as provided by Section 14-8.02(h) of ~~the~~ the School Code, is not subject to disqualification pursuant to any of the restrictions provided for in the statute affecting impartiality, and is not presently conducting a Level II review. Upon request for appeal, the Legal Department shall confirm the availability of the persons whose names will appear on the list to be transmitted to the parties. The State Board of Education shall send to the parties the names of the

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first five reviewing officers from the registry who are available and possess the qualifications set forth in this subsection. Upon receiving notice by telephone from the district of the name of the selected impartial reviewing officer, the Legal Department shall immediately notify the reviewing officer selected. The State Board shall place the names of the reviewing officers not selected on the bottom of the registry list.

(Source: Amended at — Ill. Reg. —, effective
MAR 14 1994)

Section 226.688 Oral Arguments and Extensions of Time

Either party to the Level II review may, as a matter of right, request that the impartial reviewing officer convene a hearing at which the parties may present additional evidence and oral argument. The appealing party shall request the hearing when filing the appeal request. The opposing party may request the hearing when notified that an appeal has been requested. The opposing party shall submit such request in writing prior to the selection of the Level II reviewing officer. The opposing party shall submit the request by certified mail to the State Board of Education, attention Legal Department, ~~Suite 14-309, 100 West Randolph, Chicago, Illinois 60601~~ 100 North First Street, Springfield, Illinois 62777, and shall at the same time send a copy of the request to the initially appealing party. The State Board of Education shall transmit the request for the hearing to the reviewing officer as part of the administrative record when transmitting the record to the reviewing officer as provided in Section 226.682(b).

a) The reviewing officer shall schedule the hearing at a time and place reasonably convenient to the parties. The hearing shall be recorded and a record of the hearing shall become a part of the administrative record of the appeal. The State Board of Education shall bear the cost of producing a record of the proceeding.

b) Any parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this Part, or training as advocates. The district shall inform the parents of any free or low-cost legal services which may be available in their area, and of the availability of publicly funded advocacy services.

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The parties may be represented as indicated herein throughout the Level II review.

d1 b+ The reviewing officer may limit the testimony and arguments presented at the hearing to matters at issue in the appeal, ~~and~~ may refuse to hear any testimony or argument found to be irrelevant or repetitious, and may prohibit the introduction of any evidence at the hearing that has not been disclosed to the opposing party at least five (5) calendar days before the hearing.

d1 e+ At the request of either party, the reviewing officer shall issue subpoenas for the attendance of witnesses upon a showing by the party requesting issuance that the evidence or testimony sought by the subpoena is reasonably necessary to a fair resolution of an issue or issues in dispute and upon a showing that the evidence or testimony sought may not be otherwise available and could not have been obtained at an earlier stage of the proceedings.

e1 e+ A reviewing officer may grant a specific extension of time in convening the hearing if such specific extension is requested in writing by a party to the hearing, with notice sent to the opposing party. The reviewing officer shall require that a party requesting an extension predicate the request upon circumstances that have arisen which are beyond the party's control and are circumstances linked to one or more issues in the appeal. Upon finding that the party requesting the extension has made such a showing, the reviewing officer shall grant such extension of time in writing, with notice sent to the parties and the State Board of Education by certified mail. Such notice shall become part of the administrative record. If the granting of any extension would be prejudicial to the interests of the other party, the reviewing officer shall fix the responsibilities of the parties during the period governed by the extension. Unless the request for a specific extension of time made by a party necessitates a delay in issuing the order, all appeals shall be decided within 30 days after receipt of the appeal, as provided in Section 226.690(a).

(Source: Amended at — Ill. Reg. —, effective
MAR 14 1994)

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Section 226.690 Timeliness and Finality of Reviewing Officer's Decision

a) Unless an extension of time has been granted as provided in Section 226.688 of this Part, the reviewing officer shall issue ~~a~~ an independent decision as required by 34 CFR 300.510(b) no later than thirty (30) calendar days after the State Board of Education receives the appeal request. The decision shall include findings as to the compliance with due process procedural requirements of the Level I hearing and an index of the record of the Level II proceeding.

b) The decision of the reviewing officer shall be a final order binding upon the parties, unless a party aggrieved by the ruling appeals as provided in Section 226.692(b) of this Part. The reviewing officer's decision shall give specific directions to the parties so that implementation of the decision is achieved without undue delay.

c) The decision shall be sent by certified mail to the parties, and a copy of the decision shall also be made a part of the administrative record. The reviewing officer shall, by certified mail, send the completed administrative record, including all of the exhibits and attachments, to the State Board of Education, attention Legal Department, ~~Suite 14-300, 100 West Randolph, Chicago, Illinois 60601~~ 100 North First Street, Springfield, Illinois 62777 immediately upon completion of the review.

(Source: Amended at — Ill. Reg. —, effective
MAR 14 1994)

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NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Sprinkler Systems
- 2) Code Citation: 23 Ill. Adm. Code 170
- 3) Section Number:

170.10	<u>Adopted Action:</u>
170.20	New Section
170.30	New Section
170.40	New Section
170.50	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, par. 22-23; 105 ILCS 5/22-23.
MAR 14 1994
- 5) Effective Date of Rules:
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? Yes; see Section 170.30.
- 8) Date Filed in Agency's Principal Office: March 10, 1994.
- 9) Notice of Proposal Published in Illinois Register:
October 22, 1993; 17 Ill. Reg. 18419.
- 10) Has JCAR issued a Statement of Objections to these rules?
No.
- 11) Difference(s) between proposal and final version: One change was made during the first notice period, at Section 170.30. The introductory portion of that Section has been changed as displayed below:

The State Superintendent of Education shall approve only sprinkler system plans which conform to the requirements set forth in the "Standard for the Installation of Sprinkler Systems" (NFPA 13; 1991) and where alternative protection is necessary. "Dry Chemical Extinguishing Systems" (NFPA 17; 1990), both published by the National Fire Protection Association.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No agreement letter was issued by JCAR, and no changes were made.

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- 13) Will this rule replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: This new Part will implement Section 22-23 of the School Code, which requires that sprinkler systems be included in the plans for school construction (defined to include certain types of remodeling and renovation as well), and that the plans and specifications for such sprinkler systems be approved by the State Superintendent of Education. The new rules set forth the standards for sprinkler systems; the standards for the required plans and specifications; and the process by which these may be approved.
- 16) Information and questions regarding these adopted rules shall be directed to:

Name:	John Dee
	Illinois State Board of Education
	100 North First Street
	Springfield, Illinois 62777-0001
Telephone:	(217) 782-2962

The full text of the adopted rules begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 170

SPRINKLER SYSTEMS

Section

170.10 Purpose and Scope

170.20 Requirements and Applicability

170.30 Standards for Sprinkler Systems

170.40 Standards for Plans and Specifications

170.50 Approval Process

AUTHORITY: Implementing and authorized by Section 22-23 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 22-23) [105 ILCS 5/22-23].

SOURCE: Adopted at __ Ill. Reg. ____, effective **MAR 14 1994**

NOTE: Capitalization denotes statutory language.

Section 170.10 Purpose and Scope

This Part sets forth the requirements and standards for sprinkler systems installed in school buildings pursuant to the provisions of Section 22-23 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 22-23) [105 ILCS 5/22-23]. THE REQUIREMENTS SET FORTH HEREIN SHALL APPLY TO THE SCHOOL BOARD, BOARD OF EDUCATION, BOARD OF SCHOOL DIRECTORS, BOARD OF SCHOOL INSPECTORS, OR OTHER GOVERNING BODY OF EACH SCHOOL DISTRICT IN THIS STATE, INCLUDING SPECIAL CHARTER DISTRICTS AND DISTRICTS ORGANIZED UNDER ARTICLE 34. (Section 22-23 of the School Code.)

Section 170.20 Requirements and Applicability

- a) NO SCHOOL CONSTRUCTION SHALL BE COMMENCED IN ANY SCHOOL DISTRICT UNLESS:

- 1) SPRINKLER SYSTEMS ARE REQUIRED BY THE PLANS FOR SUCH CONSTRUCTION; and
- 2) the State Superintendent of Education has approved the plans and specifications for the installation of such sprinkler systems as provided in Section

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170.50 of this Part. (Section 22-23 of the School Code.)

- b) "School construction" means THE CONSTRUCTION OF A NEW SCHOOL BUILDING, THE CONSTRUCTION OF AN ADDITION TO A SCHOOL BUILDING, AND ANY ALTERATION, REMODELING, RENOVATION, OR RECONSTRUCTION PROJECT AFFECTING ONE OR MORE AREAS OF A SCHOOL BUILDING WHICH CUMULATIVELY ARE EQUAL TO 50% OR MORE OF THE SQUARE FOOTAGE OF THE SCHOOL BUILDING, when the building is occupied in whole or part by public school students or is intended for occupancy by such students. (Section 22-23 of the School Code.)

Section 170.30 Standards for Sprinkler Systems

The State Superintendent of Education shall approve only sprinkler system plans which conform to the requirements set forth in the "Standard for the Installation of Sprinkler Systems" (NFPA 13; 1991) and, where alternative protection is necessary, "Dry Chemical Extinguishing Systems" (NFPA 17; 1990), both published by the National Fire Protection Association. (No later amendments to or editions of these standards are incorporated by this rule.) The requirements of this Section 170.30 supersede those set forth in the State Board's rules for "Efficient and Adequate Systems for the Building Specifications for the Construction of Schools" (see 23 Ill. Adm. Code 175.310).

Section 170.40 Standards for Plans and Specifications

- a) Preliminary plans and specifications submitted as part of applications for sprinkler system approval shall define the extent, arrangement, and quality of the work described therein.
- b) Preliminary plans and specifications shall be prepared by or under the supervision of an architect or engineer licensed to practice in Illinois, and shall bear the stamp of and a certificate signed by the responsible architect or engineer, which shall have the following form:

Architect's or Engineer's Certificate

"I hereby certify that these plans and specifications for the installation of a sprinkler system, including any alternative forms of protection, were prepared under my

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supervision and, to the best of my knowledge, comply with the requirements identified in 23 Ill. Adm. Code 170.20 and 170.30. These plans and specifications consist of the following:

(architect or engineer to list contents)

____ (Date) _____ (Signature and Stamp)"

Section 170.50 Approval Process

a) Each application for approval of sprinkler system plans and specifications shall be initiated by submitting two copies of the preliminary plans and specifications to the Regional Superintendent of Education having jurisdiction over the school district in which the installation is to take place.

b) Upon receipt of an application for sprinkler system approval, the Regional Superintendent shall forward both copies of the application to the State Superintendent of Education within 10 calendar days.

c) The State Superintendent of Education shall review each application for conformance with the standards set forth in Sections 170.30 and 170.40 of this Part. Applicants submitting incomplete applications shall be given 10 calendar days to submit any missing documentation directly to the office of the State Superintendent, upon notification to the applicant by staff of the State Board.

d) The State Superintendent shall advise the Regional Superintendent in writing within 30 calendar days of receipt of a complete application as to the approval or disapproval of the application.

e) Each notice of disapproval shall identify the deficiencies in the application, removal of which would permit approval thereof.

f) Upon receipt of notice of the State Superintendent's disapproval, the Regional Superintendent shall advise the applicant within 10 calendar days of such

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disapproval and of the deficiencies identified as required in subsection (e) above.

g) For each application approved, the State Superintendent shall forward to the Regional Superintendent a Certificate of Approval, along with both copies of the application as approved.

h) Upon receipt of notice of the State Superintendent's approval, the Regional Superintendent shall forward one copy of the approved application to the applicant within 10 calendar days, along with the Certificate of Approval. The Regional Superintendent shall retain the other copy of the approved application.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Complaint Reviews

2) Code Citation: 1 Ill. Adm. Code 260

3) Section Numbers: Adopted Action

260.100	Amended
260.200	Amended
260.300	Amended
260.350	Amended
260.400	Amended
260.600	Amended
260.650	Amended
260.700	Amended
260.900	Amended
260.1000	Amended
260.1100	Amended
260.1200	Amended
260.1300	Amended
260.Exhibit A	Amended
260.Exhibit B	Repealed
260.Exhibit C	Amended
260.Exhibit D	Amended

4) Statutory Authority: Implementing Sections 5-100 and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-100, 1005-120 and 1005-135) [5 ILCS 100/5-100, 5-120 and 5-135].

5) Effective Date of Amendments: **MAR 14 1994**

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: **MAR 14 1994**

9) Notice of Proposal Published in Illinois Register: August 13, 1993 at 17 Ill. Reg. 13233

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Difference(s) between proposal and final version:

1. Revision to IAPA citations have been omitted, as this task was performed pursuant to PA 87-823 during the pendency of this rulemaking.
2. Section 260.900(b): The unlabeled paragraph following the opening statement was indented one further level.
3. Section 260.1000(d): "5-40" was underscored.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

4. Section 260.1000(g): "initiate rulemaking" was underscored.
5. Section 260.Exhibit A: "(Act)" was underscored.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking makes editorial and revisions in the Committee's policies regarding investigation of complaints submitted to the Committee concerning administrative rules. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added. Makes hearing policies consistent with other JCAR hearing policies.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Kelly Williams
 Address: Joint Committee on Administrative Rules
 700 Stratton Building
 Springfield, Illinois 62706
 Telephone: (217)785-2254

The full text of the Adopted Amendments begins on the next page:

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 1: RULES AND RULEMAKING
CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULESPART 260
COMPLAINT REVIEWS

Section	Authority and Purpose
260.100	Definitions
260.200	Items to be Included in Complaints
260.300	Complaints Concerning Agency Rules
260.350	Illinois Administrative Procedure Act
260.400	Staff Review
260.500	Complaints About Policies Not In Rules (Repealed)
260.600	Staff Report
260.650	Joint Committee Hearing
260.700	Criteria for Review
260.800	Hearing by the Committee (Repealed)
260.900	Objection; Recommendation
260.950	Failure to Object or Issue Recommendation
260.1000	Agency Response to Objection
260.1100	Agency Response to Recommendation
260.1200	Analysis of Agency Response
260.1300	Notice to Persons Making Complaint
ILLUSTRATION H	Certification of Objection to Existing Rules (Repealed)
ILLUSTRATION I	Agency Response to Joint Committee Objection to Existing Rules (Repealed)
ILLUSTRATION J	Certification of Recommendation (Repealed)
EXHIBIT A	Certification of Objection to Existing Rules or Policies
EXHIBIT B	Certification of Recommendation to Existing Rules or Policies (Repealed)
EXHIBIT C	Agency Response to Joint Committee Objection to Existing Rules or Policies
EXHIBIT D	Agency Response to Joint Committee Recommendation to Existing Rules or Policies

AUTHORITY: Implementing Sections 5-100 and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-100, 1005-120 and 1005-135) [5 ILCS 100/5-100, 5-120 and 5-135].

SOURCE: Adopted at 3 Ill. Reg. 34, p. 219, effective August 24, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980; amended at 6 Ill. Reg. 9314, effective August 1, 1982; amended at 10 Ill. Reg. 21687, effective May 1, 1987; amended at 18 Ill. Reg. _____, effective MAR 14 1994.

Section 260.100 Authority and Purpose

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- a) The Joint Committee on Administrative Rules (Joint Committee) will review policies and rules of ~~state~~ State agencies when it receives a written complaint concerning such policies or rules as provided in this Part. This review is authorized by Sections 5-100 and 5-120 of the Illinois Administrative Procedure Act (Act) (Ill. Rev. Stat. 1991, ch. 127, ~~par. pars.~~ 1005-100 and 1005-120) [5 ILCS 100/5-100 and 5-120] and is intended to facilitate the promotion of adequate and proper rules by agencies and the understanding on the part of the public respecting such rules.
- b) The review conducted pursuant to this Part shall be considered ~~to be~~ a legislative investigation and is not intended as a prerequisite ~~in any way~~ to judicial relief.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994.)

Section 260.200 Definitions

- a) The terms and definitions found in 1 Ill. Adm. Code 210.100 are incorporated into this Part.
- b) For the purposes of this Part, a complaint consists of any written communication received by the Joint Committee which that raises questions ~~which are~~ related to the criteria in Section 260.700 of this Part. Complaints may address one or more of the following:
- 1) An existing rule of an agency.
 - 2) The failure of an agency to fully or properly enforce its rules.
 - 3) The absence of rules ~~which are~~ required by statute or are necessary for the proper conduct of an agency program or function.
 - 4) An agency rule which that is applied generally, but is not embodied in the rules of the agency promulgated pursuant to the ~~Illinois Administrative Procedure Act~~.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994.)

Section 260.300 Items to be Included in Complaints

- a) Complaints should be sent to the Executive Director at the following address:
- Joint Committee on Administrative Rules
509 ~~Seath-Sixth-Street~~-Room-509 700 Stratton Building
Springfield, Illinois ~~62701~~ 62706
- b) Each complaint must include, at a minimum, the following items, if applicable to the particular complaint:
- 1) ~~A discussion of the~~ issues involved.
 - 2) ~~The names~~ Names and addresses of the persons or groups making the complaint.
 - 3) The agency whose rules, policies, or practices are being

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questioned.

- 4) The specific rule or set of rules involved.
- 5) ~~A description of the effect of the rules, policies or practices on the persons or groups making the complaint.~~
- 6) ~~A discussion of any additional facts necessary to understand the issues.~~
- 7) ~~A discussion of how the relationship between the issues relate to and the criteria in Section 260.700 of this Part.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 260.350 Complaints Concerning Agency Rules Not Adopted Pursuant to the Illinois Administrative Procedure Act

- a) Agency rules which that are not adopted in accordance with the procedures set forth in the Act are invalid and unenforceable. When the Joint Committee receives a complaint which that alleges the enforcement of a rule which that is not embodied in any a properly promulgated rule, the Joint Committee will undertake an investigation pursuant to this Part.
- b) When a complaint is received which alleges alleging that an agency has a rule which that is not embodied in properly promulgated rules, the Joint Committee will encourage the persons making the complaint to petition the agency as provided in Section 5-145 of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 260.400 Staff Review

The staff of the Joint Committee will review each complaint. The staff may raise questions or problems as a result of its review and will discuss these questions or problems with the agency. Such The staff review will be based on the criteria in Section 260.700 of this Part. The staff will attempt to inform the agency of the substance of the complaint and any recommendations proposals for Joint Committee action prior to the Joint Committee hearing.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 260.600 Staff Report

The staff shall report the results of its review to the Joint Committee at the next monthly meeting, provided there are at least 60 days between receipt of the complaint and the meeting. If there are less fewer than 60 days, the rulemaking staff may be scheduled for the following meeting. The staff report will present evidence of possible problems with the rules in relation to the criteria in Section 260.700 of this Part. The report may include

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recommendations proposals for action by the Joint Committee. Such recommendations proposals shall be advisory only and staff do not limit the Joint Committee's power to take some other action.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 260.650 Joint Committee Hearing

A complaint may be placed on the agenda of the Joint Committee for consideration by any member of the Committee or by the Executive Director. Such action will be based upon evidence of possible problems with the rules in relation to the criteria in Section 260.700 of this Part. A complaint will not be placed on the agenda if the same issues have been previously considered by the Joint Committee, unless the complaint reveals information which was not available to the Joint Committee at the time the issue was considered and which, if available at that time, would have altered the outcome. At the hearing, the Joint Committee staff, the complainant, and agency representatives will be allowed to testify.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 260.700 Criteria for Review

- a) The Joint Committee will use consider the following criteria in its review of a complaint based upon existing rules:

- 1) Substantive
 - A) Does the agency have legal authority for each Part of the rules?
 - B) Does the agency have rulemaking authority?
 - C) Does each Part of Do the rules comply with the statutory authority and legislative intent on which it is they are based, or which it is that they are implementing or interpreting?
 - D) Does each Part of Do the rules comply with state State and federal constitutions, state State and federal law, federal rules and regulations, and case law?
 - E) Does each Part of Do the rules include standards for the exercise of discretionary authority? Are the standards defined as clearly as practicable under the conditions?
- 2) Propriety
 - A) Is there an adequate justification and rationale for the rules and for any regulation of the public embodied in the rules?
 - B) Has the agency considered the economic effects of the rules upon those regulated, including small businesses, not for profit corporations, and units of local government, school districts, and community college districts?

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- C) Has the agency considered less costly alternatives to the rules?
- D) Has the agency considered the budgetary effects of the rules upon itself, other state State agencies, and state State revenue in general?
- E) Is the language of the rules simple and clear, so that the rules can be understood by the persons and groups which they will affect?
- F) Are the rules free of serious technical errors, redundancies and grammatical or typographical errors, which that could affect the meaning of the rules?
- 3) Procedural
- A) Were the rules adopted in compliance with the Act?
- B) Were the rules adopted in compliance with the requirements of the Administrative Code Division (1 Ill. Adm. Code 100)?
- C) Were the rules adopted in compliance with any additional requirements which have been imposed on the agency by state State or federal law?
- D) Were the rules adopted in compliance with the agency's own rules for the promulgation of rules?
- E) Was the agency responsive to public comments which have been made to the rules and to related requests for rulemaking?
- 4) Additional
- A) Has the agency shown that the rules are necessary? Has the agency shown that there is a public need for the regulation embodied in the rules?
- B) Are the rules accurate and current in relation to agency operations and programs?
- C) Are the rules free of overlaps and conflicts between among requirements and between among regulatory jurisdictions?
- b) The Joint Committee will use the following criteria for its review of agency rules or policy not promulgated pursuant to the Illinois Administrative Procedure Act:
- 1) Is the entity enforcing the policy in question an agency as defined in the Act?
- 2) Does the agency have the statutory authority for the policy?
- 3) Does the agency have rulemaking authority?
- 4) Does the policy comply with the statutory authority and legislative intent upon which it is based?
- 5) Does the policy comply with state State and federal constitutions, state State and federal law, federal rules and regulations, and case law?
- 6) Is the policy included in any agency rule? Is the policy included in an internal agency document?
- 7) Does the policy meet the definition of a rule found in the Act?
- c) If the Joint Committee determines that one or more of the criteria enumerated in Subsection subsection (a) or (b) of this Section are not met, the Committee shall issue an objection or recommendation pursuant to Section 260.900 of this Part.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

MAR 14 1994

Section 260.900 Objection; Recommendation

- a) Objection or Recommendation to Existing Rule
- 1) Objection

A) If the Joint Committee finds that the rule does not meet one or more of the criteria in Section 260.700(a) of this Part, the Joint Committee ~~shall~~ may object to the rule pursuant to Section 5-120 of the Act.

B) If the Joint Committee objects to the rule, it shall certify that fact to the agency. Such certification will be sent to the agency in the form shown in Exhibit A of this Part within 5 working days after the objection is issued. The certification shall include a statement of the specific objection of the Joint Committee to the rules.

C) Each statement of specific objections shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

2) Recommendation

- A) If the Joint Committee determines that the rule is incomplete or inconsistent or does not meet one or more of the criteria in Section 260.700(a) of this Part, the Joint Committee shall recommend further action. Recommended actions include the promulgation of additional rules, the clarification of statutory authority through legislation to be introduced by the agency or the Joint Committee, and a recommendation to curtail an unauthorized practice.
- B) If the Joint Committee issues a recommendation concerning the rule, it shall ~~certify--that--fact--to so notify the agency--~~ the form shown in Exhibit B of this Part within 5 working days after the recommendation is issued. ~~The certification~~ notification shall include a statement of the specific recommendation of the Joint Committee to the rule.
- C) Each statement of specific recommendation shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.
- b) Objection or Recommendation to Agency Rule or Policy Not Promulgated Pursuant to the Illinois Administrative Procedure Act
- The Joint Committee shall issue an objection or recommendation to an agency rule or policy not promulgated pursuant to the Illinois Administrative Procedure Act if the rule or policy does not meet one or more of the criteria in Section 260.700(b) of this Part. Such objections or recommendations will be issued on the same bases as objections or recommendations issued to rules pursuant

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to Subsection subsection (a) of this Section. The same procedures will be applied to such actions.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 260.950 Failure to Object or Issue Recommendation

The failure of the Joint Committee to issue an objection or recommendation to an existing rule or agency rule not promulgated pursuant to the ~~Illinois~~ Administrative-Procedure Act shall not be construed to imply approval of the rule or policy by the Joint Committee or the General Assembly. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-100) [5 ILCS 100/5-100]

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 260.1000 Agency Response to Objection

a) The agency shall respond to an objection ~~which is~~ which is issued by the Joint Committee within 90 days after receipt of the statement of specific objections. (Section 5-120 of the Act) The agency response shall address each of the specific objections stated by the Joint Committee. The agency response shall clearly state the nature of the response (agreement to amend, agreement to repeal, refusal to amend or repeal) and the rationale for the response. The response should be made in the manner shown in Exhibit C of this Part.

b) The agency must respond to each objection of the Joint Committee in one of the following ways ~~as required by Section 7-07 of the Act. Responses to a single objection cannot be combined--fees--modify--in part--refuse--in part--~~

- 1) ~~Amend--the~~Propose a rulemaking rule to meet the Joint Committee's objection.
- 2) ~~Repeat the rule--or--discontinue~~Discontinue the policy not in rules.
- 3) Refuse to amend or repeal the rule or policy or to propose a new rule. A notice of refusal must also be submitted to the Administrative Code Division for publication in the Illinois Register if the agency responds in this manner.
- c) Responses shall be submitted to the Joint Committee, in writing, and shall be signed by the agency head.
- d) If the agency elects ~~to--amend--or--repeal--the--rule~~ rulemaking in response to an objection, it shall initiate the rulemaking pursuant to Section 5-40, 5-45 or 5-50 of the Act. The agency shall complete the rulemaking process within 180 days after the rulemaking is proposed in the Illinois Register.
- e) An amendment to meet the Joint Committee's objection must be limited to the issues raised in the Certification and Statement of Objection. A suggestion or comment made by a member of the Joint Committee does

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not authorize a substantive change unless the suggestion or comment is ratified by the Joint Committee through the issuance of a Certification and Statement of Objection to the rule.

f) The failure of an agency to respond to an objection of the Joint Committee within 90 days ~~of~~ after receipt of the objection shall be deemed to be a refusal to initiate rulemaking ~~amend or repeal the rule pursuant to Section 7-07 of the Act.~~

g) The failure of an agency to complete rulemaking ~~which was~~ proposed in response to an objection within 180 days after the publication of the notice of the rulemaking shall be deemed to be a refusal to initiate rulemaking ~~to amend or repeal the rule.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 260.1100 Agency Response to Recommendation

a) The agency should respond to a recommendation ~~which is~~ issued by the Joint Committee within 90 days after receipt of the statement of specific recommendations. The agency response should address each of the specific recommendations stated by the Joint Committee and should clearly state the nature of (agreement to amend, agreement to repeat or refusal to amend or repeat) and rationale for the response. The response should be made in the manner shown in Exhibit D of this Part.

b) The agency should respond to each Joint Committee recommendation ~~for action in one of the following ways:~~

- 1) Agree to pursue the action recommended by the Joint Committee.
- 2) Refuse to pursue the action recommended by the Joint Committee.
- c) Responses should be submitted to the Joint Committee, in writing, and shall be signed by the agency head.
- c) The failure of an agency to respond to a recommendation of the Joint Committee within 90 days ~~of~~ after receipt of the recommendation shall be deemed to be a refusal.
- d) The failure of an agency to complete rulemaking ~~which was~~ proposed in response to a recommendation within 180 days after the publication of the rulemaking shall be deemed to be a refusal to initiate rulemaking ~~amend or repeal the rule.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 260.1200 Analysis of Agency Response

a) If the Joint Committee finds that the agency's actions do not ~~remedy~~ the adequately respond to an objection or recommendation, the Committee will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the next available issue of the Illinois Register ~~pursuant to Section 7-07 of the Act.~~ The notice will include a specific statement of the

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- reasons the Joint Committee has determined that the response to the objection or recommendation is not adequate ~~has not been remedied.~~
- b) ~~if the Joint Committee finds that the agency's actions do not remedy the recommendation, the Committee will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the next available issue of the Illinois Register. The notice will include a specific statement of the reasons the Joint Committee has determined the recommendation has not been remedied.~~
- c) If the agency fails to remedy adequately respond to an objection or recommendation, the Joint Committee may draft legislation to address the problems. Such A proposal for legislation must be approved by a majority vote and may be introduced in either house of the General Assembly.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 260.1300 Notice to Persons Making Complaint

The Executive Director will notify the complainants ~~persons or groups making the complaint~~, in writing, of the results of the Joint Committee review and the agency response.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

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Section 260. EXHIBIT A Certification of Objection to Existing Rules or Policies

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF OBJECTION
TO EXISTING RULES OR POLICIES

County of Sangamon
+
State of Illinois
----->

I, (Director's name), Executive Director of the Joint Committee on Administrative Rules, being first duly sworn on oath, depose and state that, pursuant to Sections 5-100 and 5-120 of the Illinois Administrative Procedure Act (Act), ~~as amended~~, the Joint Committee on Administrative Rules, at its meeting on (meeting date), ~~objected~~ voted an objection to the (agency name) ~~rules~~ rules entitled ~~or concerning~~ (Heading of the Part, Code Citation) ~~published in the (publication date) Illinois Register or policy administered in the absence of rules adopted in accordance with the Act~~.

A statement of the Joint Committee's specific ~~objections~~ objections accompanies this certification.

~~Please take notice that failure of~~ Section 5-120 of the Act requires the agency to respond to the Joint Committee's ~~objections~~ objections ~~to a rule within 90 days of after receipt of this Certification of Objection.~~ The agency's response will be placed on the Committee's agenda for further consideration. Failure to respond shall constitute a refusal to ~~amend or repeal the rule; adopt appropriate rules; or refrain from inappropriate activities~~.

(Type written name)
Executive Director
Joint Committee on Administrative
Rules

Subscribed and sworn to before me this (date) day of (month), 19(year).

Notary Public

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

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Section 260. EXHIBIT B Certification of Recommendation to Existing Rules or Policies (Repealed)

County of Sangamon
State of Illinois

if (Director's name) Executive Director of the Joint Committee on Administrative Rules being first duly sworn on oath, depose and state that pursuant to Sections 5-100 and 5-110 of the Illinois Administrative Procedure Act, as amended, the Joint Committee on Administrative Rules, at its meeting on (meeting date), issued a recommendation concerning the (agency name) rule(s) entitled (or concerning) (heading of the part, Code Citation), published in the (publication date) Illinois Register.

A statement of the Joint Committee's specific recommendation(s) accompanies this certification.

Please take notice that failure of the agency to respond to the Joint Committee's recommendations to a rule within 90 days of receipt of this certification of recommendation shall constitute a refusal to amend or repeat the rule.

=====

(Type written name)
Executive Director
Joint Committee on Administrative Rules

Subscribed and sworn to before me this (date) day of (month) 19 (year):

=====

Notary Public

(Source: Repealed at 18 Ill. Reg. _____, effective
MAR 14 1994)

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Section 260. EXHIBIT C Agency Response to Joint Committee Objection to Existing Rules or Policies

Date: _____

Agency: _____

[Heading of the Part] [Description of the Policy]: _____

Code Citation: _____

Response (neck-one):
=====

Initiate rulemaking to repeal the rules to meet the Joint Committee's objection
Initiate rulemaking to amend the rules to meet the Joint Committee's objection
Refusal to initiate rulemaking to remedy the Joint Committee's objection

If rulemaking will be initiated, date notice of proposed rulemaking was, or is expected to be, published in the Illinois Register _____.

Agency Response to Specific Joint Committee Objections:

(Respond to each of the specific objections. Objection raised by the Joint Committee, indicating clearly the intended action of the agency in response to each recommendation. Objection and the rationale for such response. Use additional pages as necessary.)

Signature of Agency Head

(Source: Repealed at 18 Ill. Reg. _____, effective
MAR 14 1994)

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Section 260. EXHIBIT D Agency Response to Joint Committee Recommendation to Existing Rules or Policies

Date: _____

Agency: _____

[Heading of the Part] [Description of the Policy]: _____

Code Citation: _____

Response-(check-one):
 =====
 Agree--to-pursue-the-action-recommended
 by-the-Joint-Committee
 =====
 Refuse-to-pursue-the-action-recommended
 by-the-Joint-Committee

If rulemaking will be initiated, date notice of proposed rulemaking was, or is expected to be, published in the Illinois Register: _____.

Agency Response to Specific Joint Committee Recommendations:

(Respond to each of the specific objections raised Recommendation issued by the Joint Committee, indicating clearly the intended action of the agency in response to each recommendation Recommendation and the rationale for such response. Use additional pages as necessary.)

Signature of Agency Head

(Source: MAR 14 1994 at 18 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Expedited Correctives2) Code Citation: 1 Ill. Adm. Code 2453) Section Number(s): Adopted Action

245.100 Amended

245.110 Amended

245.130 Amended

245.140 Amended

245. Exhibit A Amended

245. Exhibit B Amended

4) Statutory Authority: Implementing and authorized by Section 5-85 and Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-85 and 1005-135) [5 ILCS 100/5-85 and 5-135].

5) Effective Date of Amendments: MAR 14 19946) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: MAR 14 1994

9) Notice of Proposal Published in Illinois Register: August 18, 1993 at 17 Ill. Reg. 13248

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No11) Difference(s) between proposal and final version:

1. Revision to LAPA citations have been omitted, as this task was performed pursuant to PA 87-823 during the pendency of this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made, as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: A Complete Description of the Subjects and Issues Involved: This rulemaking makes editorial revisions in the

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Committee's policies regarding rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added. Because Expedited Corrections are to be handled quickly, agencies are required to provide a telefax number, if available.

1b) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Kelly Williams
Address: Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706
Telephone: 217/785-2254

The full text of the Adopted Amendments begins on the next page:

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 1: RULES AND RULEMAKING
CHAPTER 11: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 245
EXPEDITED CORRECTIONS

Section	Definitions
245.100	Expedited Corrections - Submission to Committee
245.110	Committee Review
245.120	Committee Certification
245.130	Public Notice
245.140	Certificate of Correction
EXHIBIT A	Certificate of Failure to Meet the Requirements of Section 5-85(b) of the Illinois Administrative Procedure Act
EXHIBIT B	

AUTHORITY: Implementing and authorized by Section 5-85 and Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-85 and 1005-135) [5 ILCS 100/5-85 and 5-135].

SOURCE: Adopted at 16 Ill. Reg. 8509, effective May 26, 1992; amended at 18 Ill. Reg. , effective **MAR 14 1994**

Section 245.100 Definitions

"Act" means the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100].

"Administrative Code Division" or "Code Division" means the unit of the Office of the Secretary of State Index Department that publishes the Illinois Administrative Code and the Illinois Register and with which rules are filed.

"Agency" means each type of entity enumerated in Section 1-20 of the Act that is authorized by law to make rules or to determine contested cases.

"Committee" means the Joint Committee on Administrative Rules, created by Section 5-90(a) of the Act.

"Director" means the Executive Director of the Joint Committee.

"Expedited Correction" means a correction of the text of a rule adopted by an agency and filed with the Secretary of State, effectuated pursuant to Section 5-85(b) of the Act and this Part.

"Illinois Administrative Code" means the complete text of all rules adopted by State agencies and filed with the Administrative Code Division.

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"Illinois Register" means the weekly publication of the Administrative Code Division authorized by Section 5-70 of the Act.

"Rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy and that affects the private rights of or procedures available to persons or entities outside the agency, but does not include statements concerning only the internal management of an agency and not affecting private rights of or procedures available to persons or entities outside the agency, informal advisory rulings issued pursuant to under Section 5-150 of the Act, intra-agency memoranda or the prescription of standardized forms, that affects the private rights or procedures available to persons or entities outside the agency (Ill. Rev. Stat. 1991, ch. 127, par. 1001-70) [5 ILCS 100/1-70].

"Rulemaking" means the process by which agencies propose, adopt, amend or repeal rules pursuant to Section 5-35 of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective **MAR 14 1994**.)

Section 245.110 Expedited Corrections - Submission to Committee

a) An agency may request the Committee to issue a Certificate of Correction with respect to an adopted rule filed with the Secretary of State. The certificate shall authorize changes in rule text to address:

- 1) nonsubstantive errors, such as typographical, clerical, grammatical, printing, copying, or other inadvertent errors, such as omission of existing or inclusion of previously repealed Illinois Administrative Code text;
- 2) any omissions or errors that create unintentional discrepancies between adopted rule text and text previously published in the Illinois Register or second notice rule text; or
- 3) any discrepancies between adopted rule text and agreements certified by the Committee during the second notice period. (Section 5-85(b) of the Act)

b) Agency requests for a Certificate of Correction shall be in writing and shall be clearly identified as a Request for Correction. Requests shall be submitted to the Executive Director at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street, Room 509 / 100 Stratton Building
Springfield, Illinois 62701 62706

c) Agency requests for a Certificate of Correction shall include the following information:

- 1) the name of the agency;
- 2) the title and Illinois Administrative Code citation of the affected rule;
- 3) the date, page number and volume number of the Illinois Register

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In which the first notice of the rulemaking that gave rise to the agency request for Certificate of Correction was published and of the Illinois Register in which the rulemaking was adopted;

1) the full text of the affected Section(s) Sections, indicating both the incorrect text and the agency's proposal for correction, in accordance with 1 Ill. Adm. Code 100.420(c);

5) an explanation of the reasons listed in subsection (a) that apply;

6) an explanation of how the public interest will be served and no hardship created by correction of the error cited by the agency, information verifying that the public notice considerations of the Act are not unduly circumvented, the agency's rationale for requesting expedited rulemaking as opposed to adhering to the time constraints of the regular rulemaking process, and a description of the measures taken and to be taken by the agency to make the Request for Correction and Certificate of Correction known to persons affected by the rule;

7) the name, address and telephone and telefax number of the agency representative who will respond to Committee questions regarding the Request for Correction and to whom the public may comment; and

8) in the event an effective date of the Correction is sought by the agency that differs from the effective date of the rulemaking that is being corrected, the proposed effective date of Correction and the rationale for the different effective date.

d) If a Request for Correction does not meet the requirements of subsection (c) above, no action shall be taken to certify the correction until the agency has, pursuant to a request from the Committee, provided the additional or clarified information.

(Source: Amended at 18 Ill. Reg. _____, effective **MAR 14 1994**.)

Section 245.130 Committee Certification

a) Certification of Correction

- 1) If the Committee finds that a Request for Correction meets the criteria of Section 5-85(b) of the Act and Sections 245.110(a)(7) and 245.140 of this Part, then the Committee shall issue a Certificate of Correction in the manner shown in Exhibit A of this Part. Such certification shall be mailed to the agency within 5 working days following the Committee meeting. If the Committee determines the Request for Correction does not meet the criteria of Section 5-85(b) of the Act and this Part, then the Committee shall issue a Certificate of Failure to Meet the Requirements of Section 5-85(b) of the Illinois Administrative Procedure Act in the manner shown in Exhibit B of this Part. Such certificate shall be mailed to the Administrative Code Division within 5 working days following the Committee meeting.

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- 2) The agency shall file one original and 4 copies of the corrective language, showing the entire text of the affected Sections, for the Illinois Register and one original and 2 copies for inclusion in the Administrative Code. The filing must be accompanied by the Certificate of Correction.
- 3) Failure of the Committee to issue a Certificate of Correction does not prevent an agency from pursuing the proposed corrections through further rulemaking under the Act.
- b) The effective date determined pursuant to Section 5-85(b) of the Act shall be indicated on the Certificate of Correction.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 245.140 Public Notice

Agencies are required by Section 5-85(b) of the Act to take reasonable and appropriate measures to make rule corrections known to parties affected by the corrections. Such measures may include, but are not limited to:

- (a) issuance of press releases;
- (b) issuance of bulletins to affected trade organizations, vendors, constituency groups, etc.;
- (c) announcement at public hearings conducted by the agency;
- (d) announcement in agency publications, newsletters, etc.; and
- (e) individual contact with affected parties.

The Committee shall also include notice of an expedited correction in any summary of rulemaking activity that it may prepare for the public at large.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 245. EXHIBIT A Certificate of Correction

~~Joint Committee on Administrative Rules~~
~~JOINT COMMITTEE ON ADMINISTRATIVE RULES~~

CERTIFICATE OF CORRECTION
TO ADOPTED RULEMAKING

This is to certify that the Joint Committee on Administrative Rules, at its (meeting date) meeting, considered the (agency's) request for correction of errors in (Heading of the Part; Code Citation) created by the adoption of rules at (Illinois Register citation). After consideration, the Joint Committee certifies that the corrective language, effective (agreed effective date), attached to this document meets the requirements and serves the purposes of Section 5-85(b) of the Illinois Administrative Procedure Act.

(Certified (Date)
(Meeting-Date)

(Typewritten name)
Executive Director

Subscribed and sworn to before me this (Date) day of (Month), (Year).

Notary Public

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 245. EXHIBIT B Certificate of Failure to Meet the Requirements of Section 5-85(b) of the Illinois Administrative Procedure Act

Joint Committee on Administrative Rules
JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATE OF FAILURE TO MEET THE REQUIREMENTS OF SECTION 5-85(b) OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

This is to certify that the Joint Committee on Administrative Rules, at its (meeting date) meeting, considered the (agency's) request for correction of (error) in (Heading of the Part; Code Citation) created by the administrative rules at (Illinois Register citation). After consideration, the Joint Committee certifies that the proposed corrective language fails to meet the requirements of Section 5-85(b) of the Illinois Administrative Procedure Act.

Filed (Date)
(Meeting-Date)

(Typewritten name)
Executive Director

Subscribed and sworn to before me this (Date) day of (Month), (Year).

Notary Public

(Source: MAR 14 1994 18 Ill. Reg. effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Five Year Evaluation of All Existing Rules

2) Code Citation: 1 Ill. Adm. Code 250

3) Section Numbers: Adopted Action

250.200 Amended
250.300 Amended
250.400 Amended
250.500 Amended
250.600 Amended
250.700 Amended
250.800 Amended
250.900 Amended
250.1000 Amended
250.1200 Amended
250.1300 Amended
250.1400 Amended
250.1500 Amended
250.1600 Amended
250.1700 Amended
250.1800 Amended
250.1900 Amended
250.2000 Amended
250.2100 Amended
250.2200 Amended

4) Statutory Authority: Implementing Section 5-130 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-130 and 1005-135 [5 ILCS 100/5-130 and 5-135]).

5) Effective Date of Amendments: MAR 14 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: MAR 14 1994

9) Notice of Proposal Published in Illinois Register: August 13, 1993 at 17 Ill. Reg.

10) Has JCER issued a Statement of Objections to these Adopted Amendments? No

11) Difference(s) between proposal and final version:

1. Revision to IAPA citations have been omitted, as this task was performed pursuant to PA 87-823 during the pending rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking makes editorial revisions in the Committee's policies regarding rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added. Requires agencies to submit to JCAR their policy manuals, guidelines, etc., as part of a 5-year review.

16) Information and questions regarding these Adopted Amendments shall be directed to:
 Name: Kelly Williams
 Address: Joint Committee on Administrative Rules
 700 Stratton Building
 Springfield, Illinois 62706
 Telephone: 217/785-2254

The full text of the Adopted Amendments begins on the next page:

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE I: GENERAL PROVISIONS
 CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 250

FIVE-YEAR EVALUATION OF ALL EXISTING RULES

Section 250.100	Authority
250.200	Relation to Other Reviews
250.300	Subject Categories
250.400	Schedule: First Year
250.500	Schedule: Second Year
250.600	Schedule: Third Year
250.700	Schedule: Fourth Year
250.800	Schedule: Fifth Year
250.900	Notice to Agencies
250.1000	Initial Questions
250.1100	Staff Review
250.1200	Public Hearings
250.1300	Grouping of Rules
250.1400	Criteria for Review
250.1500	Staff Report; Agency Response
250.1600	Hearing on Staff Report
250.1700	Actions as Results of Resulting from Review
250.1800	Actions: Objections
250.1900	Agency Response to Objection
250.2000	Failure to Respond
250.2100	Actions: Recommend-Agency Action Recommendations
250.2200	Recommend Legislation

AUTHORITY: Implementing Section 5-130 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-130 and 1005-135) [5 ILCS 100/5-130 and 5-135].

SOURCE: Adopted at 3 Ill. Reg. 34, p. 204, effective September 1, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980, amended at 18 Ill. Reg. _____, effective _____.

MAR 14 1994

Section 250.200 Relation to Other Reviews

The five-year review of all agency rules discussed in this part Part is in addition to the review of proposed rules of state State agencies and other reviews of agency rules authorized by other provisions of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)
 MAR 14 1994

Section 250.300 Subject Categories

ILLINOIS REGISTER
JOINT COMMITTEE ON ADMINISTRATIVE RULES

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To insure that the Committee reviews similar rules at the same time (Ill. Rev. Stat. 1991, ch. 127, par. 1005-130) [5 ILCS 100/5-130], it will ~~classify~~ assign each set of rules ~~in one of the subjects~~ to one of the categories listed in Section Sections 250.400 through 250.800. As new sets of rules are adopted, they will be ~~classified--into~~ assigned to these ~~subjects~~ categories and the Committee will maintain a current listing of all of the rules under each ~~subject~~ category.

(Source: Amended 18 Ill. Reg. _____, effective MAR 1 4 1994)

Section 250.400 Schedule: First Year

In the first year of each five-year review cycle the Committee will review all of the rules ~~classified--in--these subjects--a)~~ assigned to the category of Industry and Labor, including:

- a1) Agricultural Regulation
- b2) Business Regulation
- c3) Consumer Protection
- d4) Labor Laws
- e5) Regulation of Occupations

(Source: Amended at 18 Ill. Reg. _____, effective MAR 1 4 1994)

Section 250.500 Schedule: Second Year

In the second year of each five-year review cycle, the Committee will review all of the rules ~~classified--in--these subjects~~ assigned to the following categories:

- a) Education and Cultural Resources
 - 1) Special Education
 - 2) Vocational and Professional Education
- b) Financial Institutions
- c) Government Management
 - 1) State Buildings, Construction and Maintenance
 - 2) State Travel
- d) Human Resources
 - 1) Grants for Medical Services
 - 2) Public Health
 - 3) State Adult Institutions
- e) Natural Resources
 - 1) Land Pollution Control
 - 2) Wildlife Management
- f) Public Utilities

(Source: Amended 18 Ill. Reg. _____, effective MAR 1 4 1994)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Section 250.600 Schedule: Third Year

In the third year of each five-year review cycle, the Committee will review all of the rules ~~classified--in--these subjects~~ assigned to the following categories:

- a) Education and Cultural Resources
 - 1) Educational Grants and Scholarship Programs
 - 2) Cultural Resources
- b) Emergency Services
- c) Government Management
 - 1) Elections
 - 2) Records and Information Management
 - 3) State Financial Management
- d) Human Resources
 - 1) Food Handling and Services
 - 2) Regulation of Social Services
- e) Natural Resources
 - 1) Parks and Recreation Management
 - 2) Public Water Supplies
- f) Transportation -- ~~at~~ Railroad Regulation

(Source: Amended at 18 Ill. Reg. _____, effective MAR 1 4 1994)

Section 250.700 Schedule: Fourth Year

In the fourth year of each five-year review cycle, the Committee will review all of the rules ~~classified--in--these subjects~~ assigned to the following categories:

- a) Education and Cultural Resources
 - 1) Higher Education
 - 2) Elementary and Secondary Education
- b) Government Management
 - 1) Government Purchasing
 - 2) Personnel and Merit Systems
 - 3) Retirement Systems
- c) Human Resources
 - 1) Grants for Social Services
 - 2) Regulation of Health Facilities
- d) Natural Resources
 - 1) Air Pollution Control
 - 2) Energy
- e) Transportation
 - 1) Airplane and Airport Regulation
 - 2) Traffic Safety

(Source: Amended 18 Ill. Reg. _____, effective MAR 1 4 1994)

Section 250.800 Schedule: Fifth Year

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In the fifth year of each five-year review cycle, the Committee will review all of the rules ~~classified in these subjects~~ assigned to the following categories:

- a) Education and Cultural Resources - ~~if~~ Educational Facilities and Safety
- b) Government Management
 - 1) Organizational and Rulemaking Rules
 - 2) State Revenue
- c) Human Resources
 - 1) Regulation of Health Professions
 - 2) Regulation of Medical Services
 - 3) State Juvenile Institutions
- d) Law Enforcement
- e) Natural Resources - ~~if~~ Water Resources and Pollution Control
- f) Transportation
 - 1) Highway Planning, Construction and Maintenance
 - 2) Trucking Industry Regulation

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 250.900 Notice to Agencies

At the beginning of each year of the review, the Committee will notify each agency whose rules will be reviewed during that year. Such notification will include the following information:

- a) The specific sets of rules ~~which are classified in the subject~~ which assigned to the categories that will be reviewed.
- b) ~~the location of such rules in the collection of the agency's rules which are on file with the Rules Division~~ The time period during which the Committee will be reviewing such rules.

(Source: ~~Amended~~ MAR 14 1994 at 18 Ill. Reg. _____, effective _____)

Section 250.1000 Initial Questions

The Committee will request the agency to submit the following information on each set of rules being reviewed. The agency will be allowed at least 60 days to submit this information.

- a) A citation to the specific statute ~~which~~ that authorizes each set of rules and the specific statute ~~which~~ that each set of rules is implementing or interpreting.
- b) A list of the programs and organizational units of the agency ~~which~~ that are related to each set of rules.
- c) An estimate of the cost to the State for operation of the agency programs related to each set of rules and for enforcement or monitoring of compliance with the rules. An estimate of the effect of each set of rules on State revenue.
- d) An estimate of the extent of compliance and non-compliance by the

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affected public with each set of rules, and the number and extent of variances permitted by the agency to each set of rules.

- e) ~~An estimate of the effect of each set of rules on state revenue.~~ Copies of all agency policy and procedural manuals, guidelines or any non-rule materials followed by the agency in executing its programs or activities. Copies of any related forms used by the agency.
- f) An estimate of the economic effect on the persons and groups ~~which are~~ regulated by each set of rules.
- g) A discussion of the public need for the regulation provided by each set of rules. This discussion should include evidence of any harm that would result to the public health, welfare or safety if the rules were repealed.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 250.1200 Public Hearings

The Committee will hold one or more public hearings during the review of the rules in each subject to gather information and views from interested persons and groups, when it finds that such a hearing is necessary for a complete review of the rules. The ~~Chairman~~ Co-Chairmen of the Committee may designate a subcommittee for the purpose of holding such public hearings. The agenda of such hearings shall be published in the Illinois Register as provided in Section 5-90(a) of the Act. Each agency whose rules are the subject of a public hearing will be notified of the hearing. Testimony ~~which is~~ presented at such hearings will be considered by the Committee in its review of the rules ~~as it relates to~~ utilizing the criteria in Section 250.1400.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 250.1300 Grouping of Rules

The Committee may further group rules together by agency or ~~by subject~~ category to facilitate the conduct of the review or to report the findings to the Committee.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 250.1400 Criteria for Review

The Committee will consider these criteria in its review of each set of rules:

- a) Substantive
 - 1) Is there legal authority for ~~each part of~~ the rules?
 - 2) ~~Does each part of~~ Do the rules comply with the statutory authority and legislative intent on which it is based, or which it is implementing or interpreting?

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- 3) ~~Does each part of~~ Do the rules comply with state State and federal constitutions, state State and federal law, and case law?
- 4) Do they include adequate standards for the exercise of each discretionary power ~~which is~~ discussed in the rules?

b) Propriety

- 1) Is there an adequate justification and rationale for the rules and for any regulation of the public embodied in the rules?
- 2) Has the agency reasonably considered the economic and budgetary effects of the rules as well as less costly alternatives?
- 3) Is the language of the rules simple and clear, so that the rules can be understood by the persons and groups which they will affect?
- 4) Are the rules free of serious technical errors, redundancies and grammatical or typographical errors ~~which~~ that could affect the meaning of the rules?

c) Procedural

- 1) Were the rules adopted in compliance with the Act?
- 2) Were the rules adopted in compliance with the requirements of the Rules Administrative Code Division (see 1 Ill. Adm. Code §60100)?
- 3) Were the rules adopted in compliance with any additional requirements ~~which have been~~ imposed on the agency by state State or federal law?
- 4) Were the rules adopted in compliance with the agency's own rules for its rulemaking process?
- 5) Has the agency been responsive to public ~~comments which have been~~ made comment on the rules and to related requests for rulemaking?

d) Additional

- 1) Has the agency shown that the rules are necessary? Has the agency shown that there is a public need for the regulation embodied in the rules?
- 2) Are the rules accurate and current in relation to agency operations and programs?
- 3) Are the rules free of overlaps and conflicts between among requirements and between among regulatory jurisdictions?
- 4) Is the agency consistently and uniformly administering its programs and activities in accordance with its rules?

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 250.1500 Staff Report; Agency Response

The staff will report the results of its review to the Committee. The staff report may include recommendations proposals for any of the types of action listed in Section 250.1700. Such recommendations Staff proposals shall be only advisory to the Committee and shall not limit the Committee's power to take some other action. Each agency whose rules are being reviewed shall be given an opportunity to submit its views and comments on the staff report in writing prior to the hearing by the Committee.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 250.1600 Hearing on Staff Report

The Joint Committee shall hold a hearing on each staff report in its review of rules in a subject. Such a hearing may be conducted as part of other hearings of the Committee. The agenda of such a the hearing will be published in the Register as provided in Section 5-90(a) of the Act. At the hearing the Committee will consider the rules and the staff report in relation to the criteria in Section 250.1400. Written or oral testimony by the agencies and testimony received at public hearings held as provided in Section 250.1200 will also be considered.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 250.1700 Actions as Results of Resulting from Review

In response to problems which are discovered in the rules discovered as a result of its review, the Committee may take any of these types of actions:

- a) Object to specific rules which that were reviewed. Such objections to rules shall be made as discussed in Section 250.1800.
- b) Recommend rulemaking or some other type of action by agencies. This type of action may include recommending changes in the rulemaking process which is followed by agencies or coordination of rulemaking between among agencies. Such action Recommendations shall be taken issued as discussed in Section 250.2100.
- c) Recommend further study of the problems by a legislative committee, commission or other unit.
- d) Draft specific legislation to correct the problem problems. The Such proposal for legislation will must be approved by a majority vote. It will then be introduced in either house of the General Assembly.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 250.1800 Actions: Objections

If the Committee finds that a rule or a set of rules does not meet one or more of the criteria in Section 250.1400, it will may object to the rule as provided in Section 5-120 of the Act. In five working days after the day of the hearing, the Committee will certify the fact of the objection to the agency. The form used for this purpose is shown in illustration-R. A statement of specific objections to the rule and the reason for the objection shall be included.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

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Section 250.1900 Agency Response to Objection

- a) The agency should respond to an objection which-is issued by the Committee within 90 days after it receives the statement of specific objections. The agency response should address each of the specific objections which-are stated by the Committee. The agency response should be concise, but complete, and should clearly state the nature of the-response and the rationale for the response. the-response should-be-made-on-the-form-shown-in-illustration-1:
- b) The agency must should respond to an objection by the Committee in one of the following ways:
- 1) Amend the rule to meet all-of the specific objections stated by the Committee. The agency should take action to begin any the rulemaking that is part of the response which-is-necessary-to respond-in-this-way.
 - 2) Repeal the rule. The agency should state the specific objections of the Committee or other reasons which that are the basis of the repeal. The agency should take action to begin any the rulemaking that is part of the response which-is-necessary-to respond-in-this-way.
 - 3) Refuse to amend or repeal the rule. The agency should address present--in-its--response its reasons for refusing to amend or repeal the rule.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 250.2000 Failure to Respond

- a) Failure of an agency to respond to an objection to a rule within 90 days of after the receipt of the objection shall be deemed to be a refusal to amend or repeal the rule.
- b) Failure of an agency to complete rulemaking which-was started in response to an objection within 180 days of after the notice of the rulemaking shall be deemed to be a refusal to amend or repeal the rule.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 250.2100 Actions--Recommend-Agency Action Recommendations

If the Committee finds that a set of rules raises problems which that require new rulemaking or some other type of action by an agency, the Committee will recommend such action to the agency. In five working days after the day of the hearing, the Committee will certify the fact of such recommendation to the agency. the-form-used-for--this--purpose--is--shown-in-illustration--3: A statement of the specific recommended actions, the reasons for the recommendation and the date by which the agency should respond shall be

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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included. The Committee will monitor whether agencies take the actions which it recommends as a result of its review. Agencies should inform the Committee of actions which-are being taken in response to such recommendations.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 250.2200 Recommend Legislation

If an agency refuses to remedy an objection to a rule or set of rules, or fails to take recommended action, the Committee may draft legislation to address the problems. Such The legislation will be approved by a majority vote. It will then be introduced in either house of the General Assembly.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: General Policies

2) Code Citation: 1 Ill. Adm. Code 210

3) Section Numbers: Adopted Action

210.100 Amended
210.200 Amended
210.300 Amended
210.400 Amended
210.500 Amended

4) Statutory Authority: Implementing Sections 5-40 through 5-50 and 5-90 through 5-140 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-40 through 1005-50, 1005-90 through 1005-140 and 1005-135) [5 ILCS 100/5-40 through 5-50, 5-90 through 5-140 and 5-135].

5) Effective Date of Amendments: **MAR 14 1994**

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: **MAR 14 1994**

9) Notice of Proposal Published in Illinois Register: August 31, 1993

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Difference(s) between proposal and final version:

1. The words "Index Department" were added after "Secretary of State" in the definition of "Administrative Code Division" in Section 210.100.
2. Revision to IAPA citations have been omitted, as this task was performed pursuant to PA 87-823 during the pendency of this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking makes editorial revisions in the Committee's policies regarding rulemaking review. It

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makes changes in text to mirror changes in the IAPA made by PA87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Kelly Williams
Address: Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706
Telephone: 217/785-2254

The full text of the Adopted Amendments begins on the next page:

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 1: RULES AND RULEMAKING
CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 210
GENERAL POLICIES

Section	
210.100	Definitions
210.150	Effect of Publication in the Illinois Register
210.200	Joint Committee Function
210.300	Consultation with Agencies
210.400	Coordination with the Administrative Code Division
210.450	Publication of Notice and Hearing Dates
210.500	Use of Subpoenas

AUTHORITY: Implementing Sections 5-40 through 5-50 and 5-90 through 5-140 and 1005-40 through 1005-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-40 through 1005-50, 1005-90 through 1005-140 and 1005-135) [5 ILCS 100/5-40 through 5-50, 5-90 through 5-140 and 1005-135].

SOURCE: Adopted at 3 Ill. Reg. 8, p. 18, effective April 1, 1979; amended at 111. Reg. 49, p. 230, effective December 10, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980; amended at 6 Ill. Reg. 9314, effective August 1, 1982; amended at 10 Ill. Reg. 21709, effective May 1, 1987; amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994

Section 210.100 Definitions

¹⁰“Act” means the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100].

"Administrative Code Division" or "Code Division" means the unit of the Office of the Secretary of State Index Department which that publishes the Illinois Administrative Code and the Illinois Register and with which rules are filed.

"Agency" means each type of entity enumerated in Section 1-20 of the Act which that is authorized by law to make rules or to determine contested cases.

"Co-Chairmen" means the members of the Joint Committee elected to those positions pursuant to Section 1-5(c) of the Legislative Commission Reorganization Act of 1984 (Ill. Rev. Stat. 1991, ch. 63, par. 1001-5(c)) [25 ILCS 130/1-5(c)].

Director means the Executive Director of the Joint Committee.

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"Illinois Administrative Code" means the complete text of all rules of all state agencies filed with the Administrative Code Division and published by the Administrative Code Division as required by section 7 of the Act.

"Illinois Register" means the weekly publication of the Administrative Code Division authorized by Section 5-70 of the Act.

"Joint Committee" or Committee means the Joint Committee on Administrative Budget created by Section 5-90(a) of the Act.

"Nonsubstantive" means procedural or non-procedural matters which that do not have an impact upon the meaning, effect or interpretation of a rule or rulemaking.

"rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, and that affects the private rights or procedures available to persons or entities outside the agency, but does not include statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, informal advisory rulings issued pursuant to under Section 5-150 of the Act, intra-agency memoranda or the prescription of standardized forms; which affects the private rights or procedures available to persons or entities outside the agency pursuant to Section 3-89 of the Act (Ill. Rev. Stat. 1991, ch. 127, par. 1.001-70). 5 ILCS 100/1-701.

"Rulemaking" means the process by which agencies propose, adopt, amend or repeal rules pursuant to Section 5-35 of the Act.

"Substantive" means non-procedural matters which that have an impact on the meaning, effect, or interpretation of a rule or rulemaking.

(Source: Amended at 18 Ill. Reg. _____ effective MAR 14 1994)

Section 210.200 Joint Committee Function

The Joint Committee will fulfill its function of promoting adequate and proper rules by agencies and understanding on the part of the public respecting such those rules and its responsibility to review rules and rulemaking. (Ill. Rev. Stat. 1991, ch. 127, par. 5-100) [5 ILCS 100/5-100]- It will cooperate with agencies and conduct hearings to promote full and open discussion of rules and rulemaking.

(Source: Amended "at 18 Ill. Reg. _____, effective _____")

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Section 210.300 Consultation with Agencies

Some agencies may have some problems implementing or complying with the rulemaking procedures of the Act. The Joint Committee and its staff will discuss these types of problems with agencies. Such consultation will be used to advise agencies about form, statutory authority, or other matters which are considered by the Joint Committee in its review of rules and rulemaking. The Joint Committee and its staff will not issue advisory opinions.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 210.400 Coordination with the Administrative Code Division

a) The Administrative Code Division has the responsibility under the Act to keep on file rules promulgated by agencies and to publish the Illinois Register and the Illinois Administrative Code. The Joint Committee's procedures are coordinated with the Secretary of State's rules entitled "Rulemaking" (1 Ill. Adm. Code 100).

b) Pursuant to Section 5-65(a) of the Act, whenever a rulemaking rule or modification or repeal of any rule is filed with the Secretary of State, the Secretary of State shall send a certified copy of such rulemaking adopted, emergency or peremptory rule, modification or repeal to the Joint Committee within three working days after such the filing.

c) The Administrative Code Division is authorized, pursuant to Section 5-80(b) of the Act, to make changes in the numbering and location of rules in the codification scheme, to recommend changes in the sectioning and headings of rules, and to make suggestions concerning the correction of grammatical and technical errors. During the first notice period, the Administrative Code Division shall notify the agency and the Joint Committee of the changes, suggestions and recommendations made. An agency cannot make any substantive changes in response to comments of the Administrative Code Division if those comments are received after the commencement of the second notice period. The Administrative Code Division's authority with respect to such suggestions, recommendations and changes is limited to non-substantive matters.

d) Section 5-80(a) of the Act provides that the Administrative Code Division shall not adopt any codification system or schedule without the approval of the Joint Committee. Approval shall be conditioned solely upon establishing that the proposal is compatible with existing electronic data processing equipment and programs maintained by and for the General Assembly. Prior to the adoption, amendment or repeal of rules relating to the codification system, the Administrative Code Division and the Legislative Information System must certify that the system or schedule meets the requirements of this subsection.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 210.450 Publication of Notice and Hearing Dates

Each week the Committee shall will submit for publication in the Illinois Register a list of the second notices received and accepted during the preceding week. The list will include the date on which the notice was received and the date of the hearing at which the Joint Committee intends to consider the proposed rulemaking. (Ill. Rev. Stat. 1991, ch. 127, par. 5-90) [5 ILCS 100/5-90] The list is intended only to inform the public and shall not preclude the Joint Committee from considering or acting on the rule or rulemaking at a different hearing. The Joint Committee shall will attempt to notify an agency of any change in the date of its intended consideration of the agency's rules or rulemaking.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 210.500 Use of Subpoenas

a) The Joint Committee may issue a subpoena pursuant to Section 5-95(b) of the Act. The Joint Committee will issue a subpoena for reasons such as the following:

- 1) the agency refuses to appear before a Joint Committee hearing;
- 2) the agency refuses to provide information requested by the Joint Committee; or
- 3) the agency refuses to produce any records or documents requested by the Joint Committee.

b) Prior to the issuance of a subpoena, the Joint Committee or the Director will:

- 1) notify the agency (in writing if sufficient time exists) of the refusal and the fact that the Co-Chairmen or the Director intend to issue a subpoena; and
- 2) allow the agency to present its reasons for the refusal.

c) The Co-Chairmen may issue a subpoena. In addition, the Director may issue a subpoena when approved by a majority vote of the members of the Joint Committee.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Review of Peremptory Rulemaking

2) Code Citation: 1 Ill. Adm. Code 240

3) Section Numbers: Adopted Action

240.106	Amended
240.200	Amended
240.300	Amended
240.400	Amended
240.500	Amended
240.650	Amended
240.700	Amended
240.800	Amended
240.900	Amended
240.1000	Amended
240.1100	Amended

4) Statutory Authority: Implementing Sections 1-5, 5-50, 5-100, and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-5, 1005-50, 1005-100, 1005-120 and 1005-135) [5 ILCS 100/1-5, 5-50, 5-100, 5-120 and 5-135].

5) Effective Date of Amendments: MAR 14 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: MAR 14 1994

9) Notice of Proposal Published in Illinois Register: August 13, 1994 at 17 Ill. Reg. 13294

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Difference(s) between proposal and final version:

1. Revision to IAPA citations have been omitted, as this task was performed pursuant to PA 87-823 during the pendency of this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

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15) Summary and Purpose of Amendments: This rulemaking makes editorial revisions in the Committee's policies regarding rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added. Allows agencies to submit a rulemaking at a later date than currently required for that rulemaking to be placed on the next JCAR agenda. Recognizes an agency's authority to use peremptory rulemaking to implement a collective bargaining agreement.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Kelly Williams
Address: Joint Committee on Administrative Rules
 700 Stratton Building
 Springfield, Illinois 62706
Telephone: 217/785-2254

The full text of the Adopted Amendments begins on the next page:

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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TITLE I: RULES AND RULEMAKING

CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 240

REVIEW OF PEREMPTORY RULEMAKING

Section	Basic Policy (Renumbered)	Objections
240.1	Definitions (Renumbered)	
240.2	Submission: Staff Review (Renumbered)	
240.3	Staff Report (Renumbered)	
240.4	Primary Criteria for Review (Renumbered)	
240.5	Secondary Criteria for Review (Renumbered)	
240.6	Objection (Renumbered)	
240.7	Certification of Objection; Statement of Specific (Renumbered)	
240.8	Response to Objection: Format (Renumbered)	
240.9	Response to Objection: Manner (Renumbered)	
240.10	Rulemaking in Response to Objection (Renumbered)	
240.11	Failure to Respond (Renumbered)	
240.12	Basic Policy	
240.100	Definitions	
240.200	State Mandates Act Requirements	
240.250	Submission; Staff Review	
240.300	Staff Report	
240.400	Joint Committee Hearing	
240.450	Criteria for Review	
240.500	Secondary Criteria for Review (Repealed)	
240.600	Suspension Criteria	
240.650	Objection; Recommendation; Suspension	
240.700	Failure to Object or Issue Recommendation	
240.800	Agency Response to Objection	
240.900	Agency Response to Recommendation	
240.1000	Analysis of Agency Response	
240.1100	Failure to Respond (Repealed)	
240.1200	Certification of Suspension; Statement of Specific (Repealed)	
240.1300	Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking (Repealed)	
ILLUSTRATION A	Certification of Objections to Proposed Rulemaking (Repealed)	
ILLUSTRATION B	Agency Response to Joint Committee Objection to Proposed Rulemaking (Repealed)	
ILLUSTRATION C	Certification of Filing Prohibition of Proposed Rulemaking (Repealed)	
ILLUSTRATION D	Certification of Objection to Emergency or Peremptory Rules (Repealed)	
ILLUSTRATION E	Certification of Suspension of Emergency or Peremptory Rules (Repealed)	
ILLUSTRATION F		

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ILLUSTRATION G Agency Response to Joint Committee Objection to Emergency or Peremptory Rules (Repealed)

AUTHORITY: Implementing Sections 1-5, 5-50, 5-100, and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-5, 1005-50, 1005-100, 1005-120 and 1005-135) [5 ILCS 100/1-5, 5-50, 5-100, 5-120 and 5-135].

SOURCE: Adopted at 3 Ill. Reg. 49, p. 230, effective December 10, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980; amended at 5 Ill. Reg. 5164, effective May 15, 1981; amended at 9 Ill. Reg. 20695, effective January 1, 1986; amended at 10 Ill. Reg. 21742, effective May 1, 1987; amended at 18 Ill. Reg. _____, effective _____.

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Section 240.100 Basic Policy

a) The fact that situations occur in which agencies are required by a federal law, federal rules and regulations, collective bargaining agreements, or a court orders to take a prompt action to adopt rules is recognized by the Joint Committee on Administrative Rules (Joint Committee) and the Illinois Administrative Procedure Act (Act) (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100]. In some of these instances, peremptory rules must be adopted under the process provided for this purpose by Section 5-50 of the Act. However, the Joint Committee believes that public notice and comment is an essential part of the rulemaking process, which should only be by-passed for very serious reasons. The peremptory process may be used only in situations where in which the agency has no discretion as to the content of the rule or rulemaking and where it when the agency is precluded from complying with the general rulemaking requirements of the Act.

b) The Joint Committee is empowered by Section 5-120 of the Act to examine any rule. The Joint Committee will review each rule adopted through the use of peremptory rulemaking under this power. The purpose of this review is to ensure that use of the process is limited to only those situations which that meet the requirements of Section 5-50 of the Act. The criteria which are used in this review are stated in Sections 240.500 and 240.650 of this Part.

c) The use of the peremptory rulemaking process to implement consent decrees and other court orders which reflect adopting settlements negotiated by an agency is prohibited pursuant to Section 5-50 of the Act.

(Source: _____ 18 Ill. Reg. _____, effective _____)

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Section 240.200 Definitions

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- a) The terms and definitions found in 1 Ill. Adm. Code 210.100 are incorporated into this Part.
- b) "Conditions ~~which that~~ preclude compliance with the general rulemaking requirements imposed by Section 5-40 of the Act" include only those conditions ~~which~~ that make it impossible to comply with the notice or hearing requirements of the Act. A federal law, federal rule or regulation, or court order ~~which~~ that merely makes it more difficult to comply or ~~which~~ prescribes the content of such rulemaking does not make it impossible to comply.
- c) "Federal rules and regulations" means those rules ~~which are~~ published in the Code of Federal Regulations or those rules published as adopted rules in the Federal Register.
- d) "Peremptory rule" means a rule adopted pursuant to the rulemaking process provided in Section 5-50 of the Act.
- e) "Peremptory rulemaking" means the process of adopting a rule as provided in Section 5-50 of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 14 1994)

Section 240.300 Submission; Staff Review

The agency shall submit a copy of the court order or collective bargaining agreement, or the specific citation to the federal law or federal rules or regulations ~~which~~ that require the peremptory rulemaking to the Joint Committee within 30 days after the rule is required or necessary, or on or before the rulemaking is filed with the Administrative Code Division, whichever comes first. ~~Unless the Joint Committee receives a copy of the order or agreement on or before the date the peremptory rule is published in the Illinois Register the Joint Committee will request a copy, which must be immediately provided by the agency.~~ The Joint Committee staff will review the peremptory rule or rulemaking, including the notice and the text, pursuant to the criteria specified in Sections 240.500r and 240.650 of this Part. The staff may raise questions or problems as a result of its review of the rule or rulemaking and will discuss these questions or problems with the agency.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 14 1994)

Section 240.400 Staff Report

The staff will report the results of its review to the Joint Committee at the next monthly Joint Committee meeting, provided there are at least 30 20 days between the publication of the ~~rulemaking~~ peremptory rule and the meeting. If there are ~~less~~ fewer than 30 20 days, the rulemaking ~~shall~~ may be scheduled for the following meeting. Staff may develop ~~recommendations~~ proposals for consideration by the Joint Committee. Staff ~~recommendations~~ proposals are advisory only and ~~shall~~ do not limit the Joint Committee's power to take some other action. The staff will attempt to inform the agency of the substance of

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the ~~recommendations~~ proposals prior to the Joint Committee's consideration of the peremptory rule or rulemaking at a public hearing.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 14 1994)

Section 240.450 Joint Committee Hearing

- a) The Joint Committee will hold full and open hearings on peremptory rules and rulemakings. The agenda for such hearings will be submitted for publication in the Illinois Register prior to the hearing. Items not included in the published agenda may also be considered by the Joint Committee. Joint Committee staff and agency representatives will be allowed to testify at such hearings. Written comments from members of the public will be considered in lieu of oral testimony. Written comments should be submitted to the attention of the Executive Director of the Joint Committee at the following address:

Joint Committee on Administrative Rules
 509-South-St-7-Room-509-700 Stratton Building
 Springfield, Illinois 62701 62706

- b) Comments should be received at least 10 working days prior to the hearing in order to insure their consideration. If requested by the agency, the Joint Committee will provide a copy of such comments to the agency, unless the person or group requests that a copy of the comments not be provided, or unless the comments were provided as part of the complaint review process (1 Ill. Adm. Code 260) and disclosure was not authorized by the ~~complaint~~ complainant.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 14 1994)

Section 240.500 Criteria for Review

- a) The Joint Committee will ~~first~~ consider these criteria in its review of peremptory rules and rulemakings:

- 1) Peremptory Rulemaking
 - A) Were conditions present ~~which~~ that precluded the agency from complying with the general rulemaking requirements of Section 5-40 of the Act?
 - B) Was the agency required to adopt the rules as a direct result of federal law, federal rules and regulations, court orders, or a collective bargaining agreement?
 - C) Is the peremptory rule limited to what is required by the federal law, federal rules or regulations, court order or collective bargaining agreement?
 - D) Was the agency precluded from the exercise of discretion concerning the content of the peremptory rule?
 - E) Has the agency given an adequate reason for not complying with the notice and hearing requirements of Section 5-40 of

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the Act?

F6) Did the agency file the notice of peremptory rulemaking with the Administrative Code Division within 30 days after the change in the rules was required or necessary? Does the notice refer to the federal law, federal rules or regulations, court order, or collective bargaining agreement which that required the peremptory rules?

G7) Did the agency submit to the Joint Committee, when or before the notice of peremptory rulemaking was filed with the Administrative Code Division, a copy of the court order or collective bargaining agreement or the specific citation to the federal law or federal rules or regulations which that required the peremptory rulemaking to the Joint Committee on or before the notice of peremptory rulemaking was filed with the Administrative Code Division?

29) Substantive

A) Does the agency have legal authority for each Part portion of the peremptory rule?

B) Does each Part portion of the peremptory rule comply with the statutory authority and legislative intent on which it is based, or which it is implementing or interpreting?

C) Does each Part portion of the peremptory rule and rulemaking comply with state State and federal constitutions, state State and federal law, federal rules and regulations, and case law?

D) Does each Part portion of the peremptory rule include standards for the exercise of discretionary authority? Are the standards defined as clearly as practicable under the conditions?

E) Does the agency have rulemaking authority?

39) Propriety

A) Is there an adequate justification and rationale for the peremptory rules and rulemaking and for any regulation of the public embodied in the rules?

B) Has the agency considered the economic effects of the rules upon those regulated, including small businesses, not for profit corporations and units of local government, school districts, and community college districts?

C) Has the agency considered less costly alternatives to the peremptory rules?

D) Has the agency considered the budgetary effects of the peremptory rules upon itself, other state State agencies, and state State revenue in general?

E) Is the language of the peremptory rules simple and clear, so that the rules can be understood by the persons and groups which they will affect?

F) Are the peremptory rules free of serious technical errors, redundancies and grammatical or typographical errors which that could affect the meaning of the rules?

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449) Procedural

A) Does the peremptory rulemaking comply with the requirements of the Administrative Code Division (1 Ill. Adm. Code 100)?

B) Does the peremptory rule and rulemaking comply with any additional requirements which have been imposed on the agency by state State or federal law?

C) Does the peremptory rule and rulemaking comply with the agency's own rules for the promulgation of rules?

b) If the Joint Committee determines that one or more of the criteria enumerated in subsection (a) of this Section are not met, the Committee shall issue an objection or recommendation pursuant to Section 240.700(a) or (b) of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective

MAR 14 1994)

Section 240.650 Suspension Criteria

a) If the Joint Committee finds that the peremptory rule or rulemaking does not meet one or more of the criteria in Section 240.500, the Committee will then consider the peremptory rule or rulemaking in relation to the following criteria pursuant to Section 7-07a 5-125 of the Act:

1) Does the peremptory rule represent a serious threat to the public interest?

A) Does the peremptory rule contain policies which that have been previously considered and rejected by the General Assembly?

B) Does the peremptory rule unconstitutionally or unlawfully discriminate against any citizen of the state State?

C) Does the peremptory rule unconstitutionally or unlawfully inhibit the free exercise of the rights of any citizen of the state State?

2) Does the peremptory rule represent a serious threat to the public safety?

A) Could the peremptory rule result in a decrease in the protection provided against threats to the safety of any citizen of the state State?

B) Could the peremptory rule result in an increase in the threat of physical harm to any citizen of the state State?

3) Does the peremptory rule represent a serious threat to the public welfare?

A) Does the peremptory rule impose unreasonable or unnecessary economic costs on any citizen of the state State?

B) Does the peremptory rule adversely affect the health or well-being of any citizen of the state State?

C) Does the peremptory rule adversely affect the quality of life of any citizen of the state State?

b) If the Joint Committee determines that one or more of the criteria

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enumerated in this Section are not met, the Committee shall suspend the peremptory rule or portion thereof pursuant to Section 240.700(c) of this Part.

(S) 18 Ill. Reg. effective
MAR 14 1994

Section 240.700 Objection; Recommendation; Suspension

- a) Objection
- 1) If the Joint Committee finds that the peremptory rule or rulemaking does not meet one or more of the criteria in Section 240.500 of this Part, the Joint Committee shall object to the rulemaking pursuant to Section 5-120 of the Act.
 - 2) If the Joint Committee objects to the peremptory rule or rulemaking, it shall certify that fact to the agency. Such certification will be sent to the agency in the form shown in Exhibit A of Part 230 of the Joint Committee's rules (1 Ill. Adm. Code 230. Exhibit A) within 5 working days after the Joint Committee hearing. The certification shall include a statement of the specific objections of the Joint Committee to the peremptory rule or rulemaking.

- b) Recommendation
- 1) Each statement of specific objections shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

- c) Suspension
- 1) If the Joint Committee finds that the peremptory rule or rulemaking is incomplete or inconsistent, or does not meet one or more of the criteria in Section 240.500 of this Part, the Joint Committee shall recommend further action. Recommended actions include the promulgation of general rules, the promulgation of additional rules, the clarification of statutory authority to be introduced by the agency or the Joint Committee or a recommendation to curtail an unauthorized practice.

- 2) If the Joint Committee issues a recommendation to the peremptory rule or rulemaking, it shall certify that fact to so notify the agency. Such certification will be sent to the agency in the form shown in Exhibit B of Part 230 of the Joint Committee's rules (1 Ill. Adm. Code 230. Exhibit B) within 5 working days after the Joint Committee hearing. The certification shall include a statement of the specific recommendation of the Joint Committee to the peremptory rule or rulemaking.

- 3) Each statement of specific recommendations shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

- c) Suspension
- 1) If the Joint Committee finds that the peremptory rule or rulemaking or a portion thereof is objectionable under one or

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more of the criteria in Section 240.500 of this Part, and that the rule or rulemaking meets any of the criteria in Section 240.650 of this Part, the Joint Committee shall suspend the rule or rulemaking or portion thereof pursuant to Section 5-125 of the Act. Such action can only be taken upon the affirmative vote of three-fifths of the members appointed to the Joint Committee.

- 2) If the Joint Committee suspends the peremptory rule or rulemaking or portion thereof, it shall certify that fact to the agency and the Administrative Code Division. Such certification will be sent to the agency and the Administrative Code Division in the form shown in Exhibit C of Part 230 of the Joint Committee's rules (1 Ill. Adm. Code 230. Exhibit C) within 5 working days after the Joint Committee hearing. The certification shall include a statement of the reasons for the Joint Committee's suspension of the peremptory rule or rulemaking or portion thereof.
- 3) Each statement of suspension shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

- 4) The effectiveness of the peremptory rule or rulemaking or portion thereof shall be suspended immediately for at least 180 days upon receipt of the certified statement by the Administrative Code Division. The suspension shall be indicated prominently and clearly on the face of the peremptory rule or portion thereof by the Administrative Code Division. A peremptory rule or portion thereof which that is suspended cannot be enforced, or invoked for any reason, by the Agency. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-125(b)) [5 ILCS 100/5-125(b)]

- 5) The Joint Committee shall introduce a Joint Resolution in either House of the General Assembly to continue the suspension. Passage of the Joint Resolution by the General Assembly within 180 days after the certification is received by the Administrative Code Division will have the effect of repealing the peremptory rule or portion thereof. Such the rule or portion thereof shall be immediately removed from the compilation of effective rules by the Administrative Code Division. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-125(c)) [5 ILCS 100/5-125(c)]

- 6) Upon the affirmative vote of the majority of the members of the Joint Committee voting, a prohibition against the filing of suspension of a peremptory rule may be withdrawn. Withdrawal of a prohibition against filing suspension must be done prior to the passage of the Joint Resolution by in either house of the General Assembly. The Joint Committee shall issue a Certification of Withdrawal of Filing--Prohibition--of--Proposed Suspension of Peremptory Rules Rulemaking to the agency in the manner shown in Exhibit F of Part 230 (1 Ill. Adm. Code 230. Exhibit F) and shall certify that part action to the Administrative Code Division within 5 working days after the Joint Committee hearing.

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(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 240.800 Failure to Object or Issue Recommendation

The failure of the Joint Committee to issue an objection or recommendation to a peremptory rule or rulemaking shall not be construed to imply approval of the rule or rulemaking by the Joint Committee or the General Assembly. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-100) [5 ILCS 100/5-100]

(Source: Amended 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 240.900 Agency Response to Objection

- a) The Agency agency shall respond to an objection which is issued by the Joint Committee within 90 days after receipt of the statement of specific objections pursuant to Section 5-120 of the Act. The agency response shall address each of the specific objections stated by the Joint Committee and shall clearly state the nature of the objection and the agency's response. The response shall be made in the manner shown in Exhibit D of Part 230 of the Joint Committee's rules (1 Ill. Adm. Code 230. Exhibit D) and shall be signed by the agency head. Responses to a single objection cannot be combined (e.g., modify in part, refuse in part).

- b) The agency must respond to each objection of the Joint Committee by one of the methods enumerated as follows:

- 1) Amend the peremptory rule to meet the Joint Committee's objection.
- 2) Repeal the peremptory rulemaking rule.
- 3) Refuse to amend or repeal the peremptory rule. A notice of refusal must also be submitted to the Administrative Code Division for publication in the Illinois Register if the agency responds in this manner.

- c) If the agency elects to amend or repeal the peremptory rule in response to an objection, it shall initiate rulemaking pursuant to Section 5-40, 5-45 or 5-50 of the Act. The agency shall complete the rulemaking process within 180 days after the rulemaking is proposed in the Illinois Register.

- d) An amendment to meet the Joint Committee's objection must be limited to the issues raised in the Certification and Statement of Objection. A suggestion or comment made by a member of the Joint Committee does not authorize a substantive change unless the suggestion or comment is drafted ratified by the Joint Committee through the issuance of a Certification and Statement of Objection to the peremptory rule or rulemaking.

- e) The failure of an agency to respond to an objection of the Joint Committee within 90 days of after receipt of the objection shall be

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deemed to be a refusal to amend or repeal the rule pursuant to Section 5-120(g) of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 240.1000 Agency Response to Recommendation

- a) The agency should respond to a recommendation which is issued by the Joint Committee within 90 days after receipt of the statement of specific recommendations. The agency response should address each of the specific recommendations stated by the Joint Committee and should clearly state the nature of (agreement to amend, agreement to repeal, refusal to amend or repeal) and rationale for the response. The response should be made in the manner shown in Exhibit E of Part 230 of the Joint Committee's rules (1 Ill. Adm. Code 230. Exhibit E).
- b) The agency should respond to each Joint Committee recommendation for action in one of the following ways:

- 1) Agree to pursue the action recommended by the Joint Committee.
- 2) Refuse to pursue the action recommended by the Joint Committee.
- 3) Responses should be submitted to the Joint Committee, in writing, and shall be signed by the agency head.
- 4) The failure of an agency to respond to a recommendation of the Joint Committee within 90 days of after receipt of the recommendation shall be deemed to be a refusal.

- e) The failure of an agency to complete rulemaking which was proposed in response to a recommendation within 180 days after the rulemaking commenced shall be deemed to be a refusal to amend or repeal the rule.

(Source: Amended 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 240.1100 Analysis of Agency Response

- a) If the Joint Committee finds that the agency's response to an does not remedy the objection or recommendation is not adequate, the Committee will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the Illinois Register pursuant to Section 7-07 of the Act. The notice will include a specific statement of the reasons the Joint Committee has determined that the response to the objection or recommendation is not adequate has not been remedied. Failure of the agency to respond to a Joint Committee objection or recommendation shall be deemed to be a refusal. If the Joint Committee finds that the agency's response does not remedy the recommendation, it will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the next available issue of the Illinois Register pursuant to Section 7-07 of the Act. The notice will include a specific statement of the reasons the Joint Committee has determined

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the--has--not--been--remedied:---Failure-of-the-agency-to-respond-to-a
joint-committee-recommendation-shall-be-deemed-a-refusal-to-pursue-the
recommended-action:
e) If the agency fails to remedy an objection or adequately respond to a
recommendation, the Joint Committee may draft legislation to address
the problems. Such legislation must be approved by a majority vote and
may be introduced in either house of the General Assembly. (Ill. Rev.
Stat. 1991, ch. 127, par. 1005-120) [5 ILCS 100/5-120]

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

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NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Review of Proposed Rulemaking

2) Code Citation: 1 Ill. Adm. Code 220

3) Section Numbers: Adopted Action

- 220.100 Amended
- 220.150 Amended
- 220.200 Amended
- 220.250 Amended
- 220.275 Amended
- 220.285 Amended
- 220.300 Amended
- 220.450 Amended
- 220.500 Amended
- 220.600 Amended
- 220.700 Amended
- 220.760 Amended
- 220.780 Amended
- 220.800 Amended
- 220.900 Amended
- 220.950 Amended
- 220.1000 Amended
- 220.1100 Amended
- 220.1150 Amended
- 220.1200 Amended
- 220.1250 Amended
- 220.1300 Amended
- 220.Exhibit A Amended
- 220.Exhibit B Amended
- 220.Exhibit C Amended
- 220.Exhibit D Amended
- 220.Exhibit E Amended
- 220.Exhibit F Amended
- 220.Exhibit G Amended
- 220.Exhibit H Amended
- 220.Exhibit I Amended
- 220.Exhibit J Amended
- 220.Exhibit K Added

4) Statutory Authority: Implementing Sections 5-30, 5-40, 5-110 and 5-115 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-30, 1005-40, 1005-110 and 1005-135) [5 ILCS 100/5-30, 5-40, 5-110, 5-115 and 5-135].

5) Effective Date of Amendments: MAR 14 1994

6) Does this rulemaking contain an automatic repeal date? No

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7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: **MAR 14 1994**

9) Notice of Proposal Published in Illinois Register: August 13, 1993 at 17 Ill. Reg. 13307

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Difference(s) between proposal and final version:

I. Section 220.600(a)(6) will be modified to read as follows:

A statement that the rulemaking does or does not include an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act, the location in the rulemaking of the incorporation, and a copy of the cover page of the incorporated material and the specific material to be incorporated by reference, ~~and if the rulemaking does include such an incorporation, the date of joint committee approval or a statement specifying that the incorporation will be deleted or that the rule will include the incorporated material.~~

II. JCAR staff amended Section 220.600(a)(4) to read as follows (Subsections A-C had been proposed to be deleted, with agencies required to submit Second Notice changes in LRB amendment style):

The full text and specific location of any changes made in the rule during the first notice period, which shall be submitted in the form specified in subsection (b) of this Section, ~~readily identifiable as changes made during the first notice period. The changes may be set forth by the agency. In the event that the Joint Committee cannot produce and provide a copy of the rulemaking to the agency, pursuant to subsection (b)(1) below, the Joint Committee will so inform the agency and the agency may submit its Second Notice version of the rulemaking by one of the following methods:~~

- A) The original text of the proposed rulemaking showing the specific additions and deletions which were made during the first notice period; or
- B) A complete listing of all of the Sections of the rulemaking which were changed, showing the exact changes which were made during the first notice period; or
- C) If the only changes which were made in the rulemaking were those requested by the Administrative Code Division, a copy of the memorandum issued by the Administrative Code Division to the agency, and a statement that those changes, and only those changes will be made in the adopted rule.

III. JCAR capitalized the initial letter of each word in the phrase "Not

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for profit corporation" in Section 220.100 to be uniform with other terms defined in that Section.

IV. JCAR staff amended Section 220.600(b)(1) to read as follows, in relevant part: Administrative Code database material on the Legislative Information System. Also, the effective date of that phrase in that subsection is May 1, 1994. The effective date for the second sentence of that subsection is July 1, 1994. The effective date for Section 220.600(b)(3) was revised to July 1, 1994.

V. In Section 220.1300(a), "(5-120(g))" was changed to "(5-110(f))".

VI. In Exhibit K, making "Agency", "Rulemaking", and "Changes" in boldface type, substituting "In" for "At" in each numbered illustration, and striking the parenthetical on each numbered illustration.

VII. Revision to IAPA citations have been omitted, as this task was performed pursuant to PA 87-823 during the pendency of this rulemaking.

VIII. Other changes suggested by the Administrative Code Division:

- (a) In the Table of Contents, the underlining for "Agency" was deleted.
- (b) In Section 220.1300(b), text in the former subsection was placed in the new subsection (b), (formerly, (c)).
- (c) Section 220. Exhibit K:
Only that text meant to illustrate how changes in text from First to Second Notice in a submission to JCAR is to be disclosed was underscored or stricken.
- (d) In Section 220.100, definition of "Second Notice Period", the entire parenthetical label was stricken through.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking makes editorial revisions in the Committee's policies regarding rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Illinois Compiled Statutes citations are added. Clarifies that the Second Notice period commences on the date the agency submission is accepted by JCAR. Requires agencies to indicate changes made in rulemaking, after initial proposal, in a standardized manner. Requires agencies to specify an individual who can respond to inquiries regarding a rulemaking and to list a phone number for that person.

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16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Kelly Williams
 Address: Joint Committee on Administrative Rules
 700 Stratton Building
 Springfield, Illinois 62706
 Telephone: 217/785-2254

The full text of the Adopted Amendments begins on the next page:

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TITLE I: RULES AND RULEMAKING
 CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 220

REVIEW OF PROPOSED RULEMAKING

Section	
220.1	Definitions (Renumbered)
220.2	Preliminary Review (Renumbered)
220.3	Request for Economic Analysis (Renumbered)
220.4	Format of Economic Analysis (Renumbered)
220.5	Second Notice: Required Information (Renumbered)
220.6	Second Notice: Additional Information (Renumbered)
220.7	Staff Review (Renumbered)
220.8	Committee Hearing (Renumbered)
220.9	Criteria for Review (Renumbered)
220.10	Objection: Notice of No Objection (Renumbered)
220.11	Certification of Objection: Statement of Specific Objections (Renumbered)
220.12	Response to Objection: Deadline, Format (Renumbered)
220.13	Response to Objection: Manner (Renumbered)
220.14	Review of Response to Objection (Renumbered)
220.15	Failure to Respond (Renumbered)
220.16	Limit of Substantive Changes (Renumbered)
220.17	Recommend Legislation (Renumbered)
220.100	Definitions
220.150	Effect of Publication in the Illinois Register
220.200	Preliminary Review
220.250	Joint Committee Request for Agency Hearing
220.275	State Mandates Act Requirements
220.285	Small Business, Not for Profit Corporation and Small Municipality Flexibility Requirements
220.300	Economic and Budgetary Effects Analysis
220.400	Format of Economic Analysis (Repealed)
220.450	Small Business Impact Analysis
220.500	Second Notice Procedures
220.600	Required Contents of Second Notice
220.700	Staff Review
220.760	Incorporation by Reference Pursuant to Section 5-75 of the Act
220.780	Incorporation by Reference Pursuant to Section 6.02(b) of the Act (Repealed)
220.800	Joint Committee Hearing
220.900	Criteria for Review
220.950	Filing Prohibition Criteria
220.1000	Joint Committee Action
220.1100	Adoption of Rules
220.1150	Failure to Object or Issue a Recommendation
220.1200	Agency Response to Objection
220.1250	Agency Response to Recommendation

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- 220.1300 Analysis of Agency Response
- 220.1350 Certification of Filing Prohibition; Statement of Specific Objections (Repealed)
- 220.1400 Review of Response to Objection (Repealed)
- 220.1500 Failure to Respond (Repealed)
- 220.1600 Limit of Substantive Changes (Repealed)
- 220.1700 Recommend Legislation (Repealed)
- EXHIBIT A State Mandates Act Questionnaire
- EXHIBIT B Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking
- EXHIBIT C Department of Commerce and Community Affairs' Impact Analysis (Repealed)
- EXHIBIT D Certification of Approval of Incorporation by Reference (Repealed)
- EXHIBIT E Certification of Objection to Proposed Rulemaking
- EXHIBIT F Certification of Filing Prohibition of Proposed Rulemaking
- EXHIBIT G Certification of Withdrawal of Filing Prohibition of Proposed Rulemaking
- EXHIBIT H Certification of No Objection to Proposed Rulemaking
- EXHIBIT I Agency Response to Joint Committee Objection to Proposed Rulemaking
- EXHIBIT J Agency Response to Joint Committee Recommendation to Proposed Rulemaking
- EXHIBIT K First and Second Notice Changes

AUTHORITY: Implementing Sections 5-30, 5-40, 5-110 and 5-115 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-30, 1005-40, 1005-110, 1005-115 and 1005-135) [5 ILCS 100/5-30, 5-40, 5-110, 5-115 and 5-135].

SOURCE: Adopted at 3 Ill. Reg. 8, p. 18, effective April 1, 1979; amended at 3 Ill. Reg. 49, p. 230, effective December 10, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980; amended at 5 Ill. Reg. 5164, effective May 15, 1981; amended at 6 Ill. Reg. 9314, effective August 1, 1982; amended at 9 Ill. Reg. 20699, effective January 1, 1986; amended at 10 Ill. Reg. 21769, effective May 1, 1987; amended at 18 Ill. Reg. _____, effective MAR 14 1994.

Section 220.100 Definitions

- a) The terms and definitions found in 1 Ill. Adm. Code 210.100 are incorporated into this Part.
- b) ~~As-used-in-this-Part:~~
- 1) "Final Regulatory Flexibility Analysis" means the statement prepared by the agency pursuant to Section 5-40(c) of the Illinois Administrative Procedure Act (Act) (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40(c)) [5 ILCS 100/5-40(c)] as part of the second notice, which includes a summary of issues raised by small businesses during

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the first notice period and a description of actions taken on any alternatives to the proposed rulemaking suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized.

- 2) "First Notice" means the notice of proposed rulemaking published in the Illinois Register pursuant to Section 5-40(b) of the Act.
- 3) "First Notice Period" means the period of time allowed for public notice and comment pursuant to Section 5-40(b) of the Act. The period commences on the date the first notice is published in the Illinois Register and must be at least 45 days in length. ~~The original first notice period shall be terminated if an agency submits to the Administrative Code Division for publication in the Illinois Register a Notice of Corrections to Proposed Rulemaking. The new first notice period shall begin on the date the Notice is published in the Illinois Register.~~

"Initial Regulatory Flexibility Analysis" means the statement prepared by the agency pursuant to Section 5-40(b) of the Act as part of the first notice which includes a brief description of the types of small businesses, not for profit corporations or small municipalities subject to the proposed rulemaking, a description of the proposed reporting, bookkeeping, and other procedures required for compliance with the proposed rulemaking; a description of the types of professional skills necessary for compliance; and the time, place, and manner in which interested persons may present their views and comments concerning the proposed rulemaking.

~~Not For Profit Corporation means a corporation organized under the General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 101.01 et seq.) [805 ILCS 105] that is not dominant in its field and employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000. For purposes of a specific rule, an agency may define a not for profit corporation to include employment of 50 or more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of not for profit corporations. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-85) [5 ILCS 100/1-85]~~

"Second Notice" means written notification to the Joint Committee on Administrative Rules ~~(Joint Committee)~~ that the agency wishes the Committee to begin its review process pursuant to Section 5-40(c) of the Act. Receipt by the Joint Committee of a complete second notice (see Section 220.600) will commence the Committee's review. Incomplete second notices will be returned to the agency. Each week, the Joint Committee will submit a list of second notices which are that have been received and accepted complete to the Administrative Code Division for publication in the Illinois Register.

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6+ "Second Notice Period" means the period of time provided for Joint Committee review of the proposed rulemaking pursuant to Section 5-40(c) of the Act. The second notice period shall expire 45 days from the date of receipt of a complete second notice (see Section 220.600) by the Joint Committee unless prior to that time the agency is in receipt of a certification and statement of objection or a certification of no objection from the Committee or unless the agency and the Joint Committee have agreed to extend the second notice period.

7+ "Small Business" means a concern, including its affiliates, which that is independently owned and operated, is not dominant in its field, and which employs fewer than 50 full-time employees or which has gross annual sales of less than \$4,000,000. million. An agency may define small business to include employment of 50 or more persons if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses and organizations. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-75) [5 ILCS 100/1-75]

"Small municipality" means any municipality of 5,000 or fewer inhabitants and any municipality of more of 5,000 inhabitants that employs fewer than 50 persons full-time. For purposes of a specific rule, an agency may define small municipality to include employment of more than 50 persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small municipalities. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-80) [5 ILCS 100/1-80]

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 220.150 Effect of Publication in the Illinois Register

Every proposed rulemaking, modification or repeal which is published in the Illinois Register shall be subject to review by the Joint Committee pursuant to Section 5-40 of the Act regardless of any assertion by the agency to the contrary.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 220.200 Preliminary Review

- Prior to or during ~~Barring~~ the first 5 days after the publication of the first notice in the Illinois Register, the agency may submit to the Joint Committee a written request for a preliminary review of the proposed rulemaking.
- The written request for a preliminary review shall substantiate the reasons why the agency believes such a review is necessary. Including the reasons why the review pursuant to Section 5-40(c) of the Act and

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Section 220.700 of this Part is not sufficient.

c) In determining whether to grant a preliminary review, the Executive Director of the Joint Committee ~~(Director)~~ will consider whether the Joint Committee's workload permits such a review and whether the review is necessary.

1) Circumstances under which the Director may consider a preliminary review to be necessary include the following: agency internal rulemaking procedures which that necessitate the review, including the use of an advisory committee which that must review and approve the proposed rulemaking; ~~an~~ the agency or its representative which is totally unfamiliar with the rulemaking process; or the rules which are completely new or the rulemaking represents an extensive revision to existing rules.

2) ~~Barring the first notice period, the~~ The Director shall will notify the agency in writing of the grant or denial of a preliminary review.

d) The preliminary review will ~~consist of~~ consider both the notice and text of the proposed rulemaking. The criteria found in Sections 220.900 and 220.950 of this Part will be applied to the preliminary review.

e) The preliminary review is in addition to the review pursuant to Section 5-40(c) of the Act and Section 220.700 of this Part. An agency shall not rely upon the issues raised or not raised during the course of the preliminary review do not to preclude objections on those issues or upon other bases during the review pursuant to Section 5-40(c) of the Act and Section 220.700 of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 220.250 Joint Committee Request for Agency Hearing

- Within the first 14 days after the publication of the first notice in the Illinois Register, the Co-Chairmen or the Director may request, in writing, the agency proposing the rulemaking to hold a public hearing pursuant to Section 5-40(b) of the Act. ~~This request will be made in writing by the Co-Chairmen or Director.~~
- Circumstances under which the Co-Chairmen or Director may make such a request include the following:
 - the hearing will facilitate the submission of public comment by making it easier for certain members of the public to submit views and comments regarding the rulemaking that might not otherwise be submitted;
 - the Joint Committee has received public comment concerning the rulemaking which--indicates indicating the need for such a hearing; or
 - the rulemaking concerns an area of regulation of such importance as to warrant a hearing.

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(Source: Amended at 18 Ill. Reg. _____, effective
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Section 220.275 State Mandates Act Requirements

- a) Rulemaking which creates or expands a state mandate on units of local government, school districts, or community college districts is subject to the State Mandates Act (Ill. Rev. Stat. 1985 1991, ch. 85, par. 2201 et seq.) [30 ILCS 805] and a Statement of Statewide Policy Objectives shall be prepared by the agency and published at the same time the first notice is published. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-10(d)) [5 ILCS 100/5-10(d)]
- b) If it appears the Joint Committee believes that a proposed rule or rulemaking may create or expand creates or expands a state State mandate on units of local government, school districts or community college districts, the Joint Committee shall, within the first 30 days after the publication of the first notice, take the following actions: 1) Request may request that the agency proposing the rule complete the form shown in Exhibit A of this part. This form shall be submitted to the Joint Committee as part of the agency's second notice-and-

2)c) Additionally, the Joint Committee may request that the Department of Commerce and Community Affairs complete and submit to the Joint Committee and the agency an analysis of the following, pursuant to Section 4(b) of the State Mandates Act--prior-to--the agency's submission of second-notice:

- 1)A) the type of local government and local government agency or official to whom the mandate is directed;
- 2)B) whether an identifiable local direct cost is necessitated by the mandate and the estimated annual amount;
- 3)C) the extent of State financial participation in meeting such identifiable costs; and
- 4)D) whether the rule or rulemaking creates a new mandate or expands an existing mandate.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 220.285 Small Business, Not For Profit Corporation and Small Municipality Flexibility Requirements

- a) When an agency proposes a new rule, or an amendment to an existing rule which that may have an impact on small businesses, not for profit corporations or small municipalities, the agency shall consider each of the following as they affect those entities pursuant-to--Section 4-03(a)-of-the-Act:

- 1) Establishing less stringent compliance or reporting requirements in the rule for small-businesses.
- 2) Establishing less stringent schedules or deadlines in the rule

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for compliance or reporting requirements of small-businesses.

3) Consolidating or simplifying the rule's compliance or reporting requirements for small-businesses.

4) Establishing performance standards to replace design or operational standards in the rule for small-businesses.

5) Exempting small businesses, not for profit corporations and small municipalities from any or all requirements of the rule. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-30) [5 ILCS 100/5-30]

b) The agency shall also provide pursuant-to-Section-4-03(b)-of-the-Act, during the first notice period, an opportunity for small businesses, not for profit corporations and small municipalities to participate in the rulemaking process by utilizing one or more of the following techniques:

- 1) Inclusion in any advance notice of possible rulemaking a statement that the rule may have an impact on small businesses, not for profit corporations or small municipalities.
- 2) Publication of a notice of rulemaking in publications likely to be obtained by small businesses, not for profit corporations or small municipalities.
- 3) Direct notification of interested small businesses, not for profit corporations or small municipalities.
- 4) Public hearings concerning the impact of the rule on small businesses, not for profit corporations or small municipalities.
- 5) Special hearing or comment procedures to reduce the cost or complexity of participation in the rulemaking by small businesses, not for profit corporations or small municipalities. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-30) [5 ILCS 100/5-30]

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 220.300 Economic and Budgetary Effects Analysis

- a) Within the first 30 days after the publication of the first notice, the Joint Committee shall may request from the agency an analysis of the economic and budgetary effects on of the proposed rulemaking pursuant to Section 5-40(c) of the Act if the economic and budgetary impact of the proposed rule is clear on its face, or if it is alleged to have an impact in information received by the Joint Committee from the Bureau of the Budget, the Department of Commerce and Community Affairs, the Auditor General, another State agency, or an organization, association or individual. This request will be made in writing by the Director. The Joint Committee will consider the information in the first notice and any other available information in deciding whether to make the request.

b) The analysis shall be in the form shown in Exhibit B of this Part and shall be submitted to the Joint Committee in writing before or as part of the agency's second notice. The analysis shall include:

- 1) A summary of any direct economic effect on the persons who will

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be regulated by the rule, including a discussion of whether the regulation is the least costly alternative upon those persons regulated.

- 2) A description of the anticipated cost of the regulation as reflected in the agency's budget;
- 3) A description of or a listing of the anticipated cost of the regulation to other State agencies; and as reflected in their budgets; and
- 4) The anticipated cost of the total program of regulation on State revenue.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 220.450 Small Business Impact Analysis

- a) Within the first 45 days after the publication of the first notice period, the Illinois Register, the Department of Commerce and Community Affairs (DCCA) shall prepare and submit to the Joint Committee pursuant to Section 4-83(c)(1)-(4) of the Act, an impact analysis of the proposed rule describing its effect on small businesses, whenever the agency notifies the Department that the rules affect businesses whenever DCCA believes that an analysis is warranted or whenever requested to do so by 25 interested persons, an association representing at least 100 interested persons, the Governor, a unit of local government, or the Joint Committee. The second notice period cannot be commenced and the second notice will not be accepted by the Joint Committee until such analysis is submitted by the Department of Commerce and Community Affairs to the Joint Committee.

- b) Effective October 1, 1987, the impact analysis prepared by DCCA shall be in the form shown in Exhibit C of this Part and shall contain a discussion of the following factors:

- 1) Projected reporting, recordkeeping and other compliance requirements of the proposed rule;
- 2) Types of, and estimated number of, small businesses which that will be affected by the proposed rule;
- 3) An estimate of the economic impact the regulation will have upon small businesses; and
- 4) Alternatives to the proposed rule which that would minimize the economic impact of the rule upon small businesses. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-30(c)) [5 ILCS 100/5-30(c)]

(Source: Amended 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 220.500 Second Notice Procedures

- a) The second notice shall be clearly identified as such, and shall be

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submitted to the Director at the following address:

Joint Committee on Administrative Rules
509-South-Sixth-Street-Room-500700 Stratton Building
Springfield, Illinois 62701 62706

- b) The second notice period will commence on the day the second notice is received as complete by the Joint Committee pursuant to Section 5-40(c) of the Act. The second notice will be accepted by the Joint Committee when the requirements of Section 220.600 of this Part have been met. After acceptance by the Joint Committee of a second notice, the Committee will notify the Administrative Code Division and the issuing agency of the date on which the second notice period commenced. The second notice period will expire 45 days after acceptance by the Joint Committee of the second notice, or at a time mutually agreed upon by unless extended pursuant to mutual agreement of the Joint Committee and the agency (Ill. Rev. Stat. 1991, ch. 127, 1005-40(c)) [5 ILCS 100/5-40(c)] unless prior to that time the agency has received:

1) A certification and statement of objection from the Joint Committee; or

- 2) A certification of no objection from the Joint Committee. The Joint Committee will notify the Administrative Code Division and the agency, in writing, of the date on which the second notice period started. Notices which that do not contain all of the information required by Section 220.600 of this Part and Section 5-40(c) of the Act will not be accepted by the Joint Committee. An agency which that submits such a notice will be informed in writing of the specific reasons the notice was not accepted.

- d) After an agency has initiated second notices second notice and that second notice is which are received as complete by the Joint Committee, the rulemaking cannot be returned to first notice. cannot be withdrawn.

- e) The agency shall have the option of splitting the first notice into more than one second notices notice when the first notice contains changes that are being made to several Sections. When submitting the first notice to the Administrative Code Division for publication in the Illinois Register, the agency shall separately provide, for each Section being amended, the following information:

- 1) specific Code citation;
 - 2) specific statutory authority; and
 - 3) a complete description of the subjects and issues involved.
- f) After commencement of the second notice period, no substantive change may be made to a proposed rulemaking unless it is made in response to an objection or suggestion of the Joint Committee (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40(c)) [5 ILCS 100/5-40(c)]. A suggestion or comment made by a member of the Joint Committee does not authorize a substantive change unless such suggestion or comment is ratified by the Joint Committee through passage of a motion the issuance of a Certification and Statement of objection or Recommendation to the proposed rulemaking.

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(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 220.600 Required Contents of Second Notice

a) Submission of Second Notice

A second notice which contains the following information specified in subsections (1) through (14) of this subsection (a) will be accepted by the Joint Committee. A second notice that does not include the information required by this Section will not be accepted and will be returned to the agency within 2 working days after receipt with an explanation of the reason for the return.

- 1) The name of the agency.
- 2) The Title and Illinois Administrative Code citation of the proposed rulemaking.
- 3) The date, issue, and page number of the Illinois Register in which the first notice was published.
- 4) The full text and specific location of any changes made in the rule during the first notice period, which shall be submitted in the form specified in subsection (b) of this Section. readily identifiable as changes made during the first notice period. The changes may be set forth by the agency in the event that the Joint Committee cannot produce and provide a copy of the rulemaking to the agency, pursuant to subsection (b)(1) below, the Joint Committee will so inform the agency and the agency may submit its Second Notice version of the rulemaking by one of the following methods:

- A) The original text of the proposed rulemaking showing the specific additions and deletions which were made during the first notice period; or
 - B) A complete listing of all of the Sections of the rulemaking which were changed, showing the exact changes which were made during the first notice period; or
 - C) If the only changes which were made in the rulemaking were those requested by the Administrative Code Division, a copy of the memorandum issued by the Administrative Code Division to the agency, and a statement that those changes, and only those changes will be made in the adopted rule.
- 5) A response to any recommendations made by the Administrative Code Division for changes in the rules to make them comply with the codification scheme and to correct errors pursuant to Section 5-80(b) of the Act, and the specific reasons for agency rejection of any recommendations.
- 6) A statement that the rulemaking does or does not include an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act, the location in the rulemaking of the incorporation, and a copy of the cover page of the incorporated material and the specific material to be incorporated by reference, and if the rulemaking does include

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such an incorporation, the date of Joint Committee approval or a statement specifying that the incorporation will be deleted or that the rule will include the incorporated material.

7) A final regulatory flexibility analysis, which shall include the following:

- A) A summary of the issues raised by small businesses during the first notice period; and
 - B) A description of actions taken on any alternatives to the proposed rulemaking suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40(c)) [5 ILCS 100/5-40(c)].
- 8) A statement of the methods used by the agency to comply with Section 5-30 of the Act and Section 220.285 of this Part.
- 9) An evaluation of all comments received by the agency concerning the proposed rulemaking during the first notice period pursuant to Section 5-100(e)(2) of the Act. This evaluation shall need not include an evaluation of the any questions raised by the Joint Committee, during a preliminary review granted pursuant to Section 220.280 of this Part. The failure of an agency to evaluate, pursuant to this Section, the comments received will be deemed to be an incomplete second notice. The evaluation must include the following information:
- A) A list of all persons or organizations making comments on the proposed rulemaking.
 - B) A list of specific criticisms, suggestions, and comments raised by interested persons, and the agency's analysis of each of these criticisms, suggestions, and comments.
 - C) Any changes made to the rules by the agency as a result of criticisms, suggestions and comments made by interested persons; and
 - D) The names of all the persons or organizations requesting a public hearing and the date of any public hearings held on the proposed rulemaking.
- 10) The justification and rationale for the rulemaking required by Section 5-100(e)(4) of the Act. The justification and rationale shall include the following:
- A) Citations to changes in Illinois laws which that require the rulemaking.
 - B) An explanation of changes in agency policies and procedures which require the rulemaking.
 - C) Citations to federal laws, rules or regulations, or to funding requirements which require the rulemaking.
 - D) Citations and copies of court orders or decisions which require the rulemaking; and
 - E) A complete explanation of any other reasons for the proposed rulemaking.

11) The name, address and telephone and telefax numbers of the

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agency's representative who will respond to the Joint Committee questions regarding the proposed rulemaking.

- 12) If requested by the Joint Committee pursuant to Section 220.275 of this Part, completion of the State Mandates Act Questionnaire (Exhibit A).

- 13) If requested by the Joint Committee as provided in Section 220.300 of this Part and Section 5-100(e) of the Act, a completed analysis of the economic and budgetary effects of the proposed rulemaking. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40(c)) [5 ILCS 100/5-40(c)]. The analysis shall be in the form shown in Exhibit B of this Part. If the agency is unable to provide any information required for the analysis, the specific reasons and justification for not completing the analysis shall be included.

- 14) If requested by the agency pursuant to Section 220.450(a) of this Part, the date the impact statement (Exhibit E) was requested to be submitted to the Joint Committee by the Department of Commerce and Community Affairs. Any new or revised form referenced in a proposed rulemaking if those forms are not included within that rulemaking (Ill. Rev. Stat. 1991, ch. 127, par. 1005-110(i)) [5 ILCS 100/5-110(i)].

- b) A second notice which does not include the information required by this Section will not be accepted and will be returned to the agency within 2 working days with an explanation of the reason for the return.

Text Changes

- 1) Effective May 1, 1994, during the first notice period, JCAR will send to the agency a copy of the rulemaking, produced on the Administrative Code database material on the Legislative Information System, that includes line numbers. Effective July 1, 1994 when giving second notice, the agency shall submit, in accordance with subsection (a)(4) of this Section, a detailed list of changes made in the rule during the first notice period, in the form shown in Exhibit K, including changes made in response to the Secretary of State's comments pursuant to Section 5-80 of the Act. The location of all changes shall be identified by line number (see above). The language change shall be designated by reference, enclosed within quotation marks, to the words being changed, added or deleted. Replacement language, also within quotation marks, shall be shown as underlined (new language) or struck (language being deleted), only if that language is being added to or deleted from existing Code text.

- 2) Only those changes indicated in the First Notice Changes submission will be recognized.

- 3) Effective July 1, 1994, upon acceptance of a second notice, JCAR will produce a line numbered copy of the rulemaking that integrates the changes indicated on the First Notice Changes submission. Any changes made in the rulemaking during the second notice period will be indicated in the same format described in Exhibit K, except that the document will be entitled Second

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Notice Changes. At the end of the second notice period, JCAR will forward a copy of both the First Notice Changes and the Second Notice Changes, if any, to the Administrative Code Division.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 220.700 Staff Review

- a) Subsequent to the acceptance of a second notice pursuant to Section 220.500 and 220.600 of this Part, the Joint Committee staff will review the proposed rulemaking, including the notice and the text, pursuant to the criteria in Section 220.900 and Section 220.950 of this Part. If requested by the Joint Committee in order to do a thorough review of the rules, the agency shall be required to submit any forms or amendments to forms, or manuals, brochures, handbooks, or other printed materials, or amendments to manuals, brochures, handbooks, used by the agency to implement the rules. (see Section 220.600(a)(4) of this Part).

- b) The staff may raise questions or problems as a result of its review and will discuss these questions or problems with the agency.

- c) The staff will report the results of its review to the Joint Committee and may develop recommendations proposals for Joint Committee action for consideration by the Joint Committee. The staff may recommend propose that the Joint Committee issue an objection or recommendation, prohibit filing of or suspend the rulemaking, develop legislation, take some other action, or take no action. Staff recommendations proposals are advisory only and shall not limit the Joint Committee's power to take some other action. The staff will attempt to inform the agency of the substance of the recommendations any staff proposals or potential concerns of any Joint Committee member prior to the Joint Committee's consideration of the proposed rulemaking at a public hearing.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 220.760 Incorporation by Reference Pursuant to Section 5-75 of the Act

- a) An agency may incorporate by reference the rules and regulations of an agency of the United States and rules, regulations, standards or guidelines of an agency of the United States or a nationally or state recognized organization or association without publishing the incorporated material in full, provided the material is made readily available for public inspection by the agency, organization or association originally issuing such material pursuant to Section 6-02(a) of the Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-75) [5 ILCS 100/5-75].

- b) The following requirements must be met in order to incorporate

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material by reference pursuant to this Section:

- 1) the incorporated material must be fully identified in the rule by teletion publisher address and date in the rule in order to specify how a copy of the material may be obtained;
- 2) the rule must state that the incorporation does not include any subsequent amendments or editions;
- 3) the agency must maintain a copy of the incorporated material and make such material available in at least one of its principal offices for public inspection or copying upon request at no more than cost (Ill. Rev. Stat. 1991, ch. 127, par. 1005-75) [5 ILCS 100/5-75].

c) The Joint Committee will review material incorporated by reference pursuant to Section 5-75 of the Act for compliance with Section 5-75 of the Act, Section 220.600(a)(6) of this Part and this Section.

(Source: Amended at 18 Ill. Reg. _____, effective _____, effective _____)

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Section 220.780 Incorporation by Reference Pursuant to Section 6.02(b) of the Act (Repealed)

a) in rulemaking proposed pursuant to Section 5.01 of the Act, an agency may incorporate by reference, without publishing the incorporated material in fair standards or guidelines of an agency of the United States pursuant to Section 6.02(b) of the Act provided the following requirements are met:

- 1) the requirements enumerated in Section 320.760(a-c) of this Part; and

2) the agency has applied to the Joint Committee in writing and obtained written approval from the Joint Committee, as shown in Exhibit B of this Part, prior to the submission of the second notice required by Section 5.01(b) of the Act; the agency must submit the following information in its application for approval:

- A) the Part heading; Illinois Administrative Code Part and Section Number and Illinois Register citation or the date on which the proposed rulemaking will appear in the Illinois Register for the rulemaking in which the agency is seeking to incorporate material by reference;
- B) A complete copy of the material; the agency wishes to incorporate by reference (after approval is granted or denied, such material will be returned to the agency upon request); and
- C) The name and address of the agency of the United States issuing the material; and if applicable, the name and address of the agency, organization, association or entity distributing the material.

b) After receipt of a completed application, the Joint Committee shall schedule the agency's request for consideration at the next monthly Joint Committee meeting, provided there are at least 30 days between

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the receipt of the completed application and the meeting, if there are less than 30 days, the request shall be scheduled for the following meeting.

e) The Joint Committee shall use the following standard in determining whether to approve an incorporation by reference pursuant to this Section: Whether or not the material sought to be incorporated is readily available for public inspection. The Joint Committee shall conclude that this standard is met if the agency adopting the rule certifies that:

- 1) the agency of the United States, issuing or distributing the matter or the organization, association or other entity acting on behalf of the agency of the United States, makes copies readily available to the public; and
- 2) The agency adopting the rule maintains a copy of the referenced guideline or standard and makes it available to the public upon request for inspection and copying at no more than cost.

d) Readily available, as used in this Part, means immediately available upon request.

e) The agency must include as part of its second notice, the date of the Joint Committee's approval of the incorporation by reference. A second notice submitted without the approval required by this Section will be deemed deficient pursuant to Section 220.500(c) of this Part.

(Source: MAR 14 1994 at 18 Ill. Reg. _____, effective _____)

Section 220.800 Joint Committee Hearing

a) The Joint Committee will hold full and open hearings on proposed rulemakings. The agenda for such hearings will be submitted for publication in the Illinois Register prior to the hearing. Items not included in the published agenda may also be considered by the Joint Committee. Joint Committee staff and agency representatives will be allowed to testify at such hearings. Written comments from members of the public will be considered in lieu of oral testimony. Written comments should be submitted to:

Joint Committee on Administrative Rules
509 South Sixth Street, Room 509 740 Stratton Building
Springfield, Illinois 62701 62706

b) Comments should be received at least 10 working days prior to the hearing to insure their consideration. If requested by the agency, the Joint Committee will provide a copy of such comments to the agency unless the person or group requests that a copy of the comments not be provided, or unless the comments were provided as part of the complaint review process (1 Ill. Adm. Code 260) and disclosure was not authorized by the complainant.

c) Representatives of those agencies that have a rulemaking on the meeting agenda are encouraged to attend in the event a member of the Joint Committee has concerns or questions regarding a rulemaking.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)
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Section 220.900 Criteria for Review

a) The Joint Committee will first consider these criteria in its review of proposed rulemakings:

1) Substantive

- A) Does the agency have legal authority for each--Part--of the proposed rulemaking?
- B) Does each--Part--of the proposed rulemaking comply with the statutory authority and legislative intent on which it is based, or which that it is implementing or interpreting?
- C) Does each--Part--of the proposed rulemaking comply with state, State and federal constitutions, state State and federal law, federal rules and regulations, and case law?
- D) Does each--Part--of the proposed rulemaking include standards for the exercise of discretionary authority?
- E) Are the standards defined as clearly and as practicable under the conditions?
- F) Does the agency have rulemaking authority?

2) Propriety

- A) Is there an adequate justification and rationale for the proposed rulemaking and for any regulation of the public embodied in the rules?
- B) Has the agency considered the economic effects of the rulemaking upon those regulated, including small businesses, not for profit corporations, units of local government, school districts, and community college districts?
- C) Has the agency considered less costly alternatives to this proposed rulemaking?
- D) Has the agency considered the budgetary effects of the proposed rulemaking upon itself, other state State agencies, and state State revenue in general?
- E) Is the language of the rules simple and clear, so that the rules can be understood by the persons and groups which they will affect?
- F) Are the rules free of serious technical errors, redundancies and grammatical or typographical errors, which that could affect the meaning of the rules?

3) Procedural

- A) Does the proposed rulemaking comply with Section 5-40 of the Act?
- B) Does the proposed rulemaking comply with the requirements of the Administrative Code Division (see 1 Ill. Adm. Code 100)?
- C) Does the proposed rulemaking comply with any additional requirements which have been imposed on the agency by state State or federal law?
- D) Does the proposed rulemaking comply with the agency's own

rules for the promulgation of rules?

E) Was the agency responsive to public comments which were made concerning the rulemaking?

F) Did the agency comply with Section 5-30 of the Act, if applicable, in connection with the rulemaking?

b) If the Joint Committee determines that one or more of the criteria enumerated in subsection (a) of this Section are not met, the Committee shall issue an objection or recommendation pursuant to Section 5-110 of the Act and Section 220.1000 of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)
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Section 220.950 Filing Prohibition Criteria

a) If the Joint Committee finds that the proposed rulemaking does not meet one or more of the criteria in Section 220.900, the Joint Committee will then consider the proposed rulemaking in relation to the following criteria pursuant to Section 5-115(a) of the Act:

1) Does the proposed rulemaking constitute a serious threat to the public interest?

A) Does the proposed rulemaking contain policies which that have been previously considered and rejected by the General Assembly?

B) Does the proposed rulemaking unconstitutionally or unlawfully discriminate against any citizen of the state State?

C) Does the proposed rulemaking unconstitutionally or unlawfully inhibit the free exercise of the rights of any citizen of the state State?

2) Does the proposed rulemaking constitute a serious threat to the public safety?

A) Could the proposed rulemaking result in a decrease in the protection provided against threats to the safety of any citizen of the state State?

B) Could the proposed rulemaking result in an increase in the threat of physical harm to any citizen of the state State?

3) Does the proposed rulemaking constitute a serious threat to the public welfare?

A) Does the proposed rulemaking impose unreasonable or unnecessary economic costs on any citizen of the state State?

B) Does the proposed rulemaking adversely affect the health or well-being of any citizen of the state State?

C) Does the rulemaking adversely affect the quality of life of any citizen of the state State?

b) If the Joint Committee determines that one or more of the criteria enumerated in this Section are met, the Joint Committee shall prohibit the filing of the rule rulemaking pursuant to Section 5-115 of the Act

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and Section 220.1000(c) of this Part.

(Source: MAR 14 1994 18 Ill. Reg. _____, effective _____)

Section 220.1000 Joint Committee Action

a) Objection

1) If the Joint Committee finds that the proposed rule or rulemaking does not meet one or more of the criteria in Section 220.900 of this Part, the Joint Committee shall object to the rulemaking pursuant to Section 5-110 of the Act.

2) If the Joint Committee objects to the proposed rule or rulemaking, it shall certify that fact to the agency. Such certification will be sent to the agency in the form shown in Exhibit E of this Part within 5 working days after the Joint Committee hearing. The certification shall include a statement of the specific objections of the Joint Committee to the proposed rule or rulemaking. The Joint Committee will ~~shall~~ also send to the agency a list of the agreements reached between the agency and the Joint Committee staff concerning changes to the proposed rule.

3) Each statement of specific objection ~~shall~~ will also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

b) Recommendation

1) If the Joint Committee determines that the proposed rule or rulemaking is incomplete or inconsistent, or does not meet one or more of the criteria in Section 220.900 of this Part, the Joint Committee shall recommend further action. Recommended actions include the promulgation of additional rules, the clarification of statutory authority through legislation to be introduced by the agency or the Joint Committee, a request of federal or State agencies in clarifying and assisting in the promulgation of accurate rules and a recommendation to curtail an unauthorized practice.

2) If the Joint Committee issues a recommendation to the proposed rule or rulemaking, it ~~shall~~ will send a copy of the recommendation to the agency within 5 working days after the Committee hearing. The Joint Committee ~~shall~~ will also send to the agency a list of the agreements reached between the agency and the Joint Committee staff concerning changes to the proposed rule.

3) Each statement of specific recommendation ~~shall~~ will also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

c) Prohibition Against Filing

1) If the Joint Committee finds that the proposed rule or rulemaking, or a portion thereof, is objectionable under one or

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more of the criteria in Section 220.900 of this Part, and that the rulemaking meets any of the criteria in Section 220.950 of this Part, the Joint Committee shall prohibit filing of the rulemaking or portion thereof pursuant to Section 5-115 of the Act. Such action can only be taken upon the affirmative vote of three-fifths of the members appointed to the Joint Committee.

2) If the Joint Committee prohibits the filing of the proposed rule or portion thereof, the Joint Committee shall certify that fact to the agency and the Administrative Code Division. Such certification will be sent to the agency and the Administrative Code Division in the form shown in Exhibit F of this Part within 5 working days after the Joint Committee hearing. The certification shall include a statement of the reasons for the Joint Committee's prohibition against filing of a proposed rule or rulemaking or portion thereof.

3) Each certification of prohibition against filing of a proposed rule or rulemaking shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

4) The proposed rule ~~or rulemaking~~ or portion thereof shall not be accepted for filing by the Administrative Code Unit and shall not take effect for at least 180 days ~~from~~ after receipt of the certification of prohibition by the Administrative Code Unit. A proposed rule ~~or rulemaking~~ or portion thereof ~~which that is~~ prohibited from being filed cannot be enforced or invoked for any reason by the Agency agency. (Ill. Rev. Stat. 1991, ch. 127, par. 5-115(b)) [5 ILCS 100/5-115(b)]

5) The Joint Committee shall introduce a Joint Resolution in either house of the General Assembly to continue the prohibition of ~~against~~ the proposed rulemaking. If ~~such-a~~ the Joint Resolution is passed by the General Assembly within 180 days ~~from~~ after receipt of certification by the Administrative Code Division, the proposed rule ~~or rulemaking~~ or portion thereof shall not take effect. Such rule or portion thereof shall not be accepted for filing by the Administrative Code Division ~~Unit~~. If a Joint Resolution is not passed within 180 days ~~from~~ after receipt of certification of prohibition by the Administrative Code Division, the Agency agency may file the proposed ~~rule-or~~ rulemaking or portion thereof as adopted and it shall take effect. (Ill. Rev. Stat. 1991, ch. 127, par. 100/5-115(c)) [5 ILCS 100/5-115(c)]

6) Upon the affirmative vote of the majority of the members of the Joint Committee voting, a prohibition against the filing of a rule may be withdrawn. Withdrawal of a prohibition against filing must be done prior to the passage of the Joint Resolution by the General Assembly. The Joint Committee shall issue a Certification of Withdrawal of Filing Prohibition of Proposed Rulemaking to the agency in the manner shown in Exhibit G of this Part and shall certify that ~~Part~~ action to the Administrative Code Division within 5 working days after the Joint Committee

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- d) Ratification of Agreements and Certification of No Objection
- 1) If the Joint Committee finds that the proposed rule or rulemaking is not objectionable, ~~and no objection was recommended by the joint committee staff~~ the Committee shall issue a Certification of No Objection to the rule or rulemaking in the manner shown in Exhibit H of this Part. Such Certification shall be mailed to the agency within 5 working days following the Joint Committee hearing.
- 2) A Certification of No Objection shall not be issued if the Joint Committee finds at its hearing that additional information is necessary in order to complete the review of the proposed rule or rulemaking.
- 3) The Joint Committee ~~shall~~ will consider all staff level agreements regarding the proposed rules when it takes its official action with respect to that rulemaking in the form of a vote to ratify the agreements.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 220.1100 Adoption of Rules

- a) The agency may adopt a proposed rulemaking pursuant to Section 5-65 of the Act in the following circumstances:
- 1) The 45 day or agreed upon notice period subsequent to the filing of second notice has expired; or
- 2) The agency has received a Certification of No Objection; or
- 3) The agency has responded to a statement of objection issued by the Joint Committee as required by Section 220.1200 of this Part.
- b) The agency must file a certified copy of the rulemaking with the Administrative Code Division in the form prescribed in, and the accompanying documentation required by, the Code Division's rules. (1 Ill. Adm. Code 100) ~~the rule must be accompanied by a certified statement, signed by the agency head, which states that no changes were made to the rule since the commencement of the second notice period other than those listed in the document entitled "Agreements" which has been ratified by the Joint Committee, and those changes made in response to an objection or recommendation issued by the Committee in the form of the certification is shown in 1-1-111-Adm-Code-100 Appendix-B7-illustration-B7~~
- c) All proposed rulemaking rulemakings must be adopted within one year of the first notice published pursuant to Section 5-40(e) of the Act. No rulemaking may be adopted or filed with the Administrative Code Division after the expiration of this period.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

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Section 220.1150 Failure to Object or Issue a Recommendation

The failure of the Joint Committee to issue an objection or recommendation to a proposed rulemaking shall not be construed to imply approval of the proposed rulemaking by the Joint Committee or the General Assembly. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-100) [5 ILCS 100/5-100].

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 220.1200 Agency Response to Objection

- a) The Agency agency shall respond to an objection which is issued by the Joint Committee within 90 days after receipt of the statement of objection. The response shall be made in writing, in the manner shown in Exhibit I of this Part, and shall be signed by the agency head. Responses to a single objection cannot be combined--(e.g.,--modify--in party--refuse--in party)--pursuant to Section 7-86-of-the-Act;
- b) The agency shall respond to each objection of the Joint Committee by one of the methods enumerated in this subsection, as required by Section 5-110 of the Act.
- 1) Modify the proposed rulemaking to meet the Joint Committee's objections; or
- 2) Withdraw the proposed rulemaking in its entirety; or
- 3) Refuse to modify or withdraw the proposed rulemaking.
- c) Responses must be submitted directly to the Joint Committee, which shall in turn notify to the Administrative Code Division, in writing, within two working days, that such response has been received. The Administrative Code Division is prohibited from accepting for filing and adoption any rulemaking to which the Joint Committee has objected without first receiving a notification of agency response from the Committee.
- d) Responses which do not meet the requirements of this Section will be rejected. Rejected responses will be returned to the agency within two working days of after receipt by the Joint Committee with a written explanation for the rejection, and the Administrative Code Division will be notified not to accept the rule for filing and adoption. The agency can resubmit the response to the Joint Committee within the 90 day response period. The 90 day response period will continue to run when a response is rejected.
- e) The agency shall submit a notice of the response to the Administrative Code Division for publication in the next available issue of the Illinois Register.
- f) A modification to meet the Joint Committee's objection must be limited to the issues raised in the Certification and Statement of Objection. A suggestion or comment made by a member of the Joint Committee does not authorize a substantive change unless the suggestion or comment is ratified by the Joint Committee through the issuance of a Certification and Statement of Objection to the proposed rulemaking.

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- g) The failure of an agency to respond to an objection of the Joint Committee within 90 days of after the receipt of the objection shall be deemed to be a withdrawal of the proposed rule in its entirety (or the portions thereof for which a second notice was submitted if the procedures outlined in Section 220.500(e) of this Part were met), pursuant to Section 5-110(f) of the Act. A response is required when the second notice period has been extended beyond the 45 day period by mutual agreement of the agency and the Joint Committee. If the Joint Committee issues an objection beyond the 45 day second notice period, and no mutual agreement to extend the period was made, response by the agency is optional.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 220.1250 Agency Response to Recommendation

- a) The agency should respond to a recommendation which that is issued by the Joint Committee within 90 days after receipt of the statement of specific recommendations. The agency response should address each of the specific recommendations stated by the Joint Committee and should clearly state the nature (agreement to modify, agreement to withdraw, refusal to modify or withdraw) and rationale for the response. The response should be made in the manner shown in Exhibit J of this Part.
- b) The agency should respond to each Joint Committee recommendation for action in one of the following ways:
- 1) Agree to pursue the action recommended by the Joint Committee.
 - 2) Refuse to pursue the action recommended by the Joint Committee.
- c) Responses should be submitted to the Joint Committee, in writing, and signed by the agency head.
- d) The failure to of an agency to respond to a recommendation of the Joint Committee within 90 days of after receipt of the recommendation shall be deemed to be a refusal.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

Section 220.1300 Analysis of Agency Response

- a) If the Joint Committee finds that the agency's response does not remedy an to an objection or recommendation is not adequate, the Committee will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the Illinois Register pursuant to Section 7-06 of the Act. The notice will include a specific statement of the reasons the Joint Committee has determined that the response to the objection or recommendation is not adequate has not been remedied. Failure of the agency to respond to an objection within 90 days after receipt of the objection shall constitute withdrawal (5-110(f)).

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- b) If the Joint Committee finds that the agency's response does not remedy a recommendation it will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the next available issue of the Illinois Register pursuant to Section 7-06 of the Act. The notice will include a specific statement of the reasons the Joint Committee has determined the recommendation has not been remedied.
- e) Failure of the agency to respond to a Joint Committee recommendation shall be deemed to be a refusal to pursue the recommended action. If the Agency agency fails to remedy an objection or recommendation, the Joint Committee may draft legislation to address the problems. Such legislation must be approved by a majority vote and may be introduced in either house of the General Assembly. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-110) [5 ILCS 100/5-110]

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 14 1994)

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Section 220. EXHIBIT A State Mandates Act Questionnaire

State Mandates Act Questionnaire

Agency: _____

Part Title: _____ (Ill. Adm. Code)

Illinois Register Citation: _____

1. Does this rulemaking affect a municipality, county, township, or other unit of local government, school district or community college district? any of the following:

Yes ----- No -----

If yes, please check the type of entity or entities which are affected:

Municipality	_____	Other Unit of Local Govt.	_____
County	_____	School District	_____
Township	_____	Community College Dist.	_____
Other Unit of	_____		
Local Government	=====		
School District	=====		
Community College	=====		
District	=====		

2. Does this rule require a unit of local government, a school district, or a community college district any of the above entities to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues?

Yes _____ No _____ Total number of units affected _____

If yes, please estimate the amount of additional expenditures necessitated by this rulemaking per unit of government: \$ _____

Note: If the dollar amount, or total number of units affected is unknown, please outline and attach to this form a specific and detailed explanation of the steps taken by the agency to determine the approximate expense of the rulemaking, and the number of units affected.

If no, please explain why the rule does not necessitate such additional expenditures.

3. Were any alternatives to the rule which did that do not necessitate additional expenditures considered? Yes _____ No _____

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If yes, please list these alternatives and explain why these alternatives they were rejected.

4. What is are the policy objective(s) objectives of the rulemaking? (Please be specific)

5. Please explain in detail why the policy objective(s) objectives of this rule cannot be achieved in the absence of the rule or through a rule that does not create a State Mandate.

(Source MAR 14 1994 at 18 Ill. Reg. _____, effective _____)

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Section 220. EXHIBIT B Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking

Agency: =====

Heading of the Rule: =====

=====

=====

Administrative Code Citation: =====

Signature of Agency Head: =====

What are the legal reasons for the proposed agency action? Please provide a citation to the Public Act or Law Code of Federal Regulations or copy of the case. Check as many as are applicable:

- Illinois Public Act
- Federal Law
- State Court Decision
- Federal Court Decision
- Federal Rules or Regulations
- State Administrative Decision
- Other (Please specify)

What is the agency's policy objective for the proposed rulemaking?

A: Economic Effect on the Persons Regulated by the Rule

1: What will the economic effect be on persons who will be regulated by the proposed rulemaking? Please complete the following:

(a) The economic effect on persons regulated will be:

Please check: Positive Negative No effect

(b) The approximate economic impact in dollars will be \$

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Note: If the dollar amount is unknown, please outline and attach to this form a specific and detailed explanation of the steps taken by the agency to determine the approximate impact of the rulemaking.

(1) Will the rulemaking impact any existing grants or contracts within the current contract period?

(1) Please check: Yes No

(2) If so, please explain:

2: Will there be any new reporting requirements as a result of this rulemaking?

(a) Please check: Yes No

(b) If yes, please specify:

(c) Specify the approximate number of person-hours needed annually to complete the new proposed reporting requirements:

Please check: 1-4 hours 5-12 hours 13-25 hours 25 or more

3: Does the proposed rulemaking change any current reporting requirements?

(a) Please check: Yes No

(b) If yes, please specify:

(c) Specify the approximate number of person-hours needed annually to complete the current reporting requirements:

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Please-check: 1---4-hours
5---12-hours
13---25-hours
25-or-more

4- What-is-the-schedule-for-completing-the-reporting-requirements?

Please-check: Daily
Weekly
Monthly
Quarterly
Semi-Annually
Annually
Other-(Please-specify)

5- Please-circle-the-number-of-employees-that-will-be-needed-to-complete-the-required-reporting-requirements-

1---2---3---4---5---More-than-5 (Please-specify)

6- Reporting-requirements-will-best-be-handled-by:

Please-check: Typist
Bookkeeper
Word-processor
Computer-input-operator
Executive-secretary
College-student
Accountant
Attorney
Supervisory-personnel
Private-consultant
Other-(Please-specify)

7- Does-the-proposed-rulemaking-require-the-completion-of-any-forms?

Yes No

(a) If-yes-how-many-forms?

(b) Specify-the-number-of-pages-of-the-form-or-forms:

(c) Will-the-proposed-rulemaking-require-forms-to-be-submitted-to-the-agency?

Yes No

8- Please--circle--the--business--sector--or--sectors--that--will--be--affected--by--the--proposed--rulemaking;--indicate--the--total--number--of--individual

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firms--the--total--number--of--employees--and--the--number--of--individual--firms--in--the--business--sector--or--sectors--affected--in--Illinois:

Number-of-individual-firms
Total-Number-of-Individual-firms-in-the-Business-Sector
Total-Number-of-Employees-in-the-Business-Sector
Affected-in-Illinois

Agriculture
Construction
Finance
Fishing
Forestry
Insurance
Manufacturing
Mining
Professional
Services
Retail-Batch
Retail-trade
Services
Transportation
Wholesale-trade
All-Sectors-of-Business
Other-(Please-specify-below)

9- Please-circle-the-number-of-regulatory-alternatives-considered-by-the-agency:

0---1---2---3---4---5---6---7---8---9---10

If-more-than-10-please-specify-the-number:

(a) Were-any-alternatives-considered-to-minimize-the-burden-on-small-businesses?

Yes No

If-yes-please-specify-the-alternatives-considered--and--why--they--were--rejected:

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1- Were any other alternatives considered?

Yes ----- No -----

2- If yes, please specify the alternatives considered and why they were rejected.

Note: If additional space is needed, please provide an attachment.

3- Anticipated Cost of the Regulation on the Proposing Agency's Budget

4- Will the proposed rulemaking implement a new program?

(a) Yes ----- No -----

(b) If yes, please provide the program title.

5- Will the proposed rulemaking change an existing program?

(a) Yes ----- No -----

(b) If yes, please provide the program title.

6- What is the anticipated effect of the proposed rulemaking on the agency's budget?

(a) Please check: Increase ----- Decrease ----- No change -----

(b) If an increase or decrease is anticipated, specify the fiscal year in which this change will first occur: FY -----

(c) For the fiscal year specified above, please provide the fund allocations earmarked for this program.

Fund Name -----
Organizational Unit -----

Personal Services -----
Retirement Contributions -----
Social Security -----

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Group Insurance -----
Contractual Services -----
Gravel -----
Commodities -----
Printing -----
Equipment -----
Electronic Data Processing -----
Telecommunications Services -----
Operation-Auto-Equipment -----
-----Total -----

Note: If the agency has not broken down its allocation for this particular program by the above line items, it should so indicate and provide a total amount.

4- Has the agency received any federal grants to implement the proposed rulemaking?

(a) Please specify: Yes ----- No -----

(b) If yes, please specify the fiscal year in which the federal grants will first be received: FY -----

(c) Please provide the federal fund number as reported to the Bureau of the Budget: -----

(d) For the fiscal year specified above, please provide the budget allocations earmarked for this program.

Federal Fund Name -----
Organizational Unit -----

Personal Services -----
Retirement Contributions -----
Social Security -----
Group Insurance -----
Contractual Services -----
Gravel -----
Commodities -----
Printing -----
Equipment -----
Electronic Data Processing -----
Telecommunications Services -----
Operation-Auto-Equipment -----
-----Total -----

Note: If the agency has not broken down its allocation for this particular program by the above line items, it should so indicate and provide a total amount.

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NOTICE OF ADOPTED AMENDMENT(S)

5- Will the proposed rulemaking require any forms to be submitted to the agency?

Yes ----- No -----

(a) If yes, how many forms? -----

(b) Specify number of pages of the form or forms: -----

(c) Please circle the number of agency employees needed to review the forms:

1 --- 2 --- 3 --- 4 --- 5

If less than 17 or more than 57, please specify: -----

6- Will the proposed rulemaking require that forms be reviewed and analyzed by the agency on a periodic basis?

Yes ----- No -----

(a) If yes, how many forms? -----

(b) Specify the number of pages of the form or forms: -----

(c) Please circle the number of times the forms will be analyzed annually:

1 --- 2 --- 3 --- 4 --- 5

If less than 17 or more than 57, please specify: -----

7- Will the proposed rulemaking require that reports be reviewed and analyzed by the agency on a periodic basis?

Yes ----- No -----

(a) If yes, how many reports? -----

(b) Specify the number of pages of the report or reports: -----

(c) Please circle the number of times the reports will be analyzed annually:

1 --- 2 --- 3 --- 4 --- 5

If less than 17 or more than 57, please specify: -----

8- Which of the following best describes how these forms and reports are

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

maintained by the agency? Please check all that apply:

Computerized -----
 Analyzed in Detail -----
 Reviewed Occasionally -----
 Manually Filed -----
 Filed for Future -----
 --Reference -----
 Never Booked At -----
 Discarded -----

9- Anticipated Post-of-the-Registration-on-Other-State-Agencies

1- What is the anticipated effect of the proposed rulemaking on the budgets of other state agencies?

(a) Increase --- Decrease --- No change --- No effect ---

(b) If an increase or decrease is anticipated, specify the fiscal year in which this change will first occur: PY -----

(c) For the fiscal year specified above, please provide the budget allocations earmarked for this program

Federal Fund Name -----
 Organizational Unit -----

Personal Services -----
 Retirement Contributions -----
 Social Security -----
 Group Insurance -----
 Contractual Services -----
 Travel -----
 Commodities -----
 Printing -----
 Equipment -----
 Electronic Data Processing -----
 Telecommunications Services -----
 Operation Auto Equipment -----
 -----Total -----

Notes: If the agency has not broken down its allocation for this particular program by the above line items, it should so indicate and provide a total amount.

2- Other than budgetary effects, will the proposed rulemaking in any way effect another state agency's policies?

(a) Yes ----- No -----

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(b) If yes, please specify:

B- Anticipated cost of the Regulation and its Programs on State Revenue

1- What is the anticipated effect of the proposed rulemaking on State revenue?

(a) Increase ---- Decrease ---- No change ----

(b) If an increase or decrease is anticipated, specify the fiscal year in which this change will first occur: FY -----

(c) If an increase or decrease is anticipated, for the fiscal year specified above, please provide the following:

(a) Dollar amount \$ -----

(b) Fund name -----

2- If the rulemaking has a positive effect on State revenue, will the money be deposited in the State Treasury?

Yes ----- No -----

3- Will it be necessary for the General Assembly to appropriate any monies generated from this rulemaking proposal prior to its expenditure?

(a) Yes ----- No -----

(b) If yes, please specify the month and year when final General Assembly action will be necessary:

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS OF PROPOSED RULEMAKING

Agency: _____

Part/Title: _____

(Ill Adm Code)

Illinois Register Citation: _____

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant narrative explanation.

1. Anticipated effect on State expenditures and revenues.

(a) Current cost to the agency for this program/activity: \$ _____

(b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect. FY \$ _____

(c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. _____

(d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. FY \$ _____
Agency _____

(e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? Specify effects and amounts. _____

2. Economic effect on persons affected by the rulemaking.

(a) Indicate the economic effect and specify the persons affected:

Positive _____ Negative _____ No effect _____

Persons affected _____

Dollar amount per person _____

Total Statewide cost _____

b) If an economic effect is predicted, please briefly describe how the effect will occur. (Example: Additional continuing education courses will require an expenditure of approximately \$100 per year for course fees by 10,000 licensed professionals.) _____

(c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms? Compare to current requirements. _____

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(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 220. EXHIBIT C Department of Commerce and Community Affairs' Impact
Analysis (Repealed)

Agency: _____

Heading of the Part: _____

Administrative Code Citation: _____

Date-Agency Notification Received by-BCCA: _____

Director's signature: _____

A: Estimate of the economic impact which the regulations will have on
various types of small businesses affected by the rulemaking

1. What will the economic effect be on small businesses who will be
regulated by the proposed rulemaking? Please complete the following:
The economic effect on small businesses regulated will be:

Please check: Positive Negative No effect

2. The approximate economic impact upon small businesses in dollars will
be \$ _____.

Note: If the dollar amount is unknown, please outline and attach to
this form a specific and detailed explanation of the steps taken by
the agency to determine the approximate impact of the rulemaking.

B: Summary of the projected reporting, recordkeeping and other compliance
requirements of the proposed rules

1. Will there be any new reporting requirements as a result of this
rulemaking?

(a) Please check: Yes No

(b) If yes, please specify:

2. Specify the approximate number of person-hours needed annually for
small businesses to complete the new proposed reporting requirements.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Please-check: 1---4-hours =====
 5---12-hours =====
 13---25-hours =====
 25-or-more =====

3- Does-the-proposed-rulemaking-change-any-current-reporting requirements?

(a) Please-check---yes ----- No -----

(b) If-year-please-specify:

(c) Specify-the-approximate-number-of-person-hours-needed-annually for-small-businesses-to-complete-the-current-reporting requirements:

Please-check: 1---4-hours =====
 5---12-hours =====
 13---25-hours =====
 25-or-more =====

4- What-is-the-schedule-for-completing-the-reporting-requirements?

Please-check: Daily =====
 Weekly =====
 Monthly =====
 Quarterly =====
 Semi-Annually =====
 Annually =====
 Other-(Please-specify) =====

5- Please-circle-the-number-of-employees-that-will-be-needed-to-complete the-required-reporting-requirements:

1---2---3---4---5---More-than-5 ----- (Please-specify)

6- Reporting-requirements-will-best-be-handled-by:

Please-check: Typist =====
 Bookkeeper =====
 Word-processor =====
 Computer-input-operator =====
 Executive-secretary =====
 College-graduate =====
 Accountant =====

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Attorney =====
 Supervisory-Personnel =====
 Private-Consultant =====
 Other-(Please-specify) =====

7- Does-the-proposed-rulemaking-require-the-completion-of-any-forms?

yes ----- No -----

(a) If-year-how-many-forms? -----

(b) Specify-the-number-of-pages-of-the-form-or-forms: -----

(c) Will-the-proposed-rulemaking-require-forms-to-be-submitted-to-the agency?

yes ----- No -----

e- Description-of-the-types-and-an-estimate-of-the-number-of-small businesses-to-which-the-proposed-rule-will-apply

i- Please-circle-the-business-sector-or-sectors-that-will-be-affected-by the-proposed-rulemaking--indicate-the-total-number-of-individual small-business-firms--the-total-number-of-small-business-employees and-the-number-of-individual-small-business-firms-in-the-business sector-or-sectors-affected-in-illinois-

	Total-Number of-individual Small Business Firms-in-the Business Sector	Total-Number of-Employees in-the Business Sector	Number-of Individual Firms Small Business in-the Business Sector Affected-in Illinois
Business Sectors	=====	=====	=====
Agriculture	=====	=====	=====
Construction	=====	=====	=====
Finance	=====	=====	=====
Fishing	=====	=====	=====
Forestry	=====	=====	=====
Insurance	=====	=====	=====
Manufacturing	=====	=====	=====
Mining	=====	=====	=====
Professional Services	=====	=====	=====

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Real-Estate
Retail-trade
Services
transportation
Wholesale-grade
*All-Sectors-of
--Business
*Other-(please
specify below)

B: Description-of-or-a-listing-of-alternatives-to-the-proposed-rule-which
would-minimize-the-economic-impact-of-the-rule--Such-alternative-must
be-consistent-with-the-stated-objectives-of-the-applicable-statutes
and-regulations

I: Were-any-alternatives-to-the-proposed-rule-which-would-minimize-the
economic-impact-of-the-rule-upon-small-businesses-suggested-by-BECA-to
the-proposing-agency?

Yes ----- No -----

2: If--yes--please-specify-the-alternatives-considered-and-explain-how
these-alternatives-would-minimize-the-impact-of-the-rule-upon-small
businesses--Also-provide-documentation-which-substantiates-any
alternatives-suggested-by-BECA-to-the-proposing-agency.

(Source: Repealed at 18 Ill. Reg. _____, effective
MAR 14 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 220.EXHIBIT D Certification of Approval of Incorporation by Reference
(Repealed)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION-OF-APPROVAL-OF
INCORPORATION-BY-REFERENCE

This-is-to-certify-that-the-Joint-Committee-on-Administrative-Rules-at-its
(meeting-date)-meeting-considered-the-application-for-approval-of
incorporation-by-reference-of-the-following:

(title-and-citation-of-Standards-or-Guidelines-to-be-incorporated)

The-above-incorporation-by-reference-was-included-in-(Heading-of-the-Party-Code
Citation)-proposed-by-the-(agency-name)-and-published-in-the-(publication
date)-issue-of-the-Illinois-Register--After-consideration-by-the-Joint-Committee
granted-approval-of-the-incorporation-by-reference.

------(Meeting-Date)-----

(Type-written-name)
Executive-Director

(Source: Repealed at 18 Ill. Reg. _____, effective
MAR 14 1994)

ILLINOIS REGISTER

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

Section 220. EXHIBIT E Certification of Objection to Proposed Rulemaking

MAR 14 1994

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF OBJECTION

County of Sangamon
State of Illinois
----->

I, (Director's name), Executive Director of the Joint Committee on Administrative Rules, being first duly sworn on oath, depose and state that, pursuant to Sections 5-110 and 5-120 of the Illinois Administrative Procedure Act, as amended, the Joint Committee on Administrative Rules, at its meeting on (meeting date), voted an Objection objected to the (agency name) rulemaking entitled (Heading of the Part, Code Citation), proposed by the (name of agency) published in the (publication date) Illinois Register.

A statement of the Joint Committee's specific objections to the modifications agreed to by the agency, in addition to the Joint Committee's ratification of this document, is attached to this document.

Please take notice that failure to respond within 90 days of after receipt of this Statement Certification of Objection shall constitute withdrawal of the proposed rulemaking published in the (date) proposed rulemaking appeared in the Illinois Register in its entirety. The agency's response will be placed on the Committee's agenda for further consideration.

(Typewritten name)
Executive Director

Subscribed and sworn to before me this (date) day of (month), 19 (year).

Notary Public

(Source: Amended at 18 Ill. Reg. _____, effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 220.EXHIBIT F Certification of Filing Prohibition of Proposed Rulemaking

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF FILING PROHIBITION OF PROPOSED RULEMAKING

County-of-Sangamon

State-of-Illinois

----->

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, ~~as amended~~, the Joint Committee on Administrative Rules, at its meeting ~~of~~ on (meeting date), prohibited the filing of (agency name) rules entitled (Heading of the Part, Code Citation), published in the (publication date) Illinois Register. ~~Proposed by-the-(agency-name).~~

A statement of the Joint Committee's specific objections reasons for the filing prohibition accompanies this certification.

~~Please-take-notice-that-the~~ The agency is prohibited from filing the rulemaking with the Secretary of State and from enforcing or invoking, for any reason, the rulemaking for at least 180 days from the date this certification and statement are received by the Secretary of State.

Certified (date),

(Typewritten name)
(Typewritten name)
Co-Chairmen
Joint-Committee-on-Administrative
Rules

By

(Typewritten name)
Executive Director

Subscribed and sworn to before me this (date) day of (month), 19(year).

Notary Public

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 220.EXHIBIT G Certification of Withdrawal of Filing Prohibition of Proposed Rulemaking

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF WITHDRAWAL OF
FILING PROHIBITION OF PROPOSED RULEMAKING

County-of-Sangamon

State-of-Illinois

----->

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, ~~as amended~~, the Joint Committee on Administrative Rules, at its meeting ~~of~~ on (meeting date), has withdrawn the prohibition against the filing of rules entitled (Heading of the Part, Code Citation) proposed by the (agency name). The Joint Committee originally issued this prohibition at its (meeting date) meeting.

~~Please-take-notice-that-the~~ The agency is no longer prohibited from filing the rulemaking, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, with the Secretary of State and from enforcing or invoking the rulemaking.

Certified (date)

(Typewritten name)
(Typewritten name)
Co-Chairmen
Joint-Committee-on-Administrative
Rules
----->
(Typewritten name)
Executive Director

By

Subscribed and sworn to before me this (date) day of (month), 19(year).

Notary Public

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 220. EXHIBIT H Certification of No Objection to Proposed Rulemaking

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF NO OBJECTION
TO PROPOSED RULEMAKING

This is to certify that the Joint Committee on Administrative Rules, at its (meeting date) meeting, considered (Heading of the Part, Code Citation), proposed by the (agency name) and published in the (~~Illinois~~ Register, publication date) issue of the Illinois Register. After consideration, and based upon the agreements, if any, for modification of the rulemaking made by the agency and attached to this document, ~~it was determined by the Joint Committee determined~~ that no objection will be issued to the above-mentioned rulemaking.

(Meeting Date)

(Typewritten name)
Executive Director(Source: Amended
MAR 14 1994

at 18

Ill.

Reg.

effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 220. EXHIBIT I Agency Response to Joint Committee Objection to Proposed Rulemaking

Date: _____

Agency: _____

Heading of the Part: _____

Code Citation: _____

Register Citation: _____

Response--(check-one):
Objections

----- Modification-of-Rulemaking-to-Meet

----- Withdrawal-of-Rulemaking

----- Refusal-to-Modify-or-Withdraw

Agency Response to Specific Joint Committee Objections:

(Respond to each **objection** specific Objection raised by the Joint Committee, indicating clearly the intended action of the agency in response to each **objection** Objection and the rationale for such response. Use additional pages as necessary.)

Signature of Agency ~~Official~~ Head(Source: Amended at 18
MAR 14 1994

Ill.

Reg.

effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 220. EXHIBIT J Agency Response to Joint Committee Recommendation to Proposed Rulemaking

Date: _____

Agency: _____

Heading of the Part: _____

Code Citation: _____

Register Citation: _____

Response (check one):
 ----- Agree
 ----- Disagree

Agency Response to Joint Committee Recommendations:

(Respond to each recommendation--made specific Recommendation issued by the Joint Committee, indicating clearly the intended action of the agency in response to each recommendation Recommendation and the rationale for such response. Use additional pages as necessary.)

Signature of Agency Official Head _____

(Source: Amended at 18 Ill. Reg. _____, effective
 MAR 14 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED AMENDMENT(S)

Section 220. EXHIBIT K First and Second Notice Changes

The following is an example of the form in which first and second notice changes shall be indicated:

FIRST [SECOND] NOTICE CHANGES

Agency: Joint Committee on Administrative Rules

Rulemaking: 1 Ill. Adm. Code 220 (17 Ill. Reg. 111111)

Changes:

1. In line 74, change "and page number" to "and page-number or chapter reference".

2. In lines 76-82, change "If the only changes made in the rulemaking were those requested by the Administrative Code Division, a copy of the memorandum issued by the Administrative Code Division" to "If the only changes made in the rulemaking were those requested by the Administrative Code Division, a copy of the memorandum issued by the Administrative Code Division".

3. In line 84, add "L" after "criticisms" and strike the comma after "suggestions".

(Source: MAR 14 1994 at 18 Ill. Reg. _____, effective _____)

ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Illinois Liquor Control Commission

2) Code Citation: 11 Ill. Adm. Code 100

3) Section numbers Adopted Action

100.5 Amendment
100.10 Amendment
100.20 Amendment
100.30 Amendment
100.50 Amendment
100.60 Amendment
100.70 Amendment
100.90 Amendment
100.120 Amendment
100.130 Amendment
100.150 Amendment
100.160 Amendment
100.170 Amendment
100.180 Amendment
100.210 Amendment
100.240 Amendment
100.250 Amendment
100.260 Amendment
100.280 Amendment
100.300 Amendment
100.310 Amendment
100.320 Amendment
100.330 Amendment
100.340 Amendment
100.350 Amendment
100.360 Amendment
100.370 Amendment
100.380 Amendment

4) Statutory Authority: The Liquor Control Act of 1934, 235 ILCS 5/3-12(2).

5) Effective Date of Amendments: **MAR 09 1994**

6) Does this rulemaking contain an automatic repeal date: No.

7) Does this Amendment contain incorporations by reference? No.

8) Date filed in Agency's Principal Office: March 3, 1994.

9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 20094, November 29, 1993.

ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENTS

10) Has JCAR issued a Statement of Objection to these rules? No.

11) Differences between proposal and final version:

Section 100.50(a) deleted any incorporations by reference per the Agreement with JCAR.

Section 100.60(a) Withdrawal of Registration form was added and the wording was changed per the Agreement with JCAR.

Section 100.70(b)(1) deleted any incorporations by reference per the Agreement with JCAR.

Section 100.170(a) Added additional terms to be consistent with the statute per the Agreement with JCAR.

All statutory references were updated from Illinois Revised Statutes to Illinois Compiled Statutes in JCAR format.

12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in place? No.

14) Are there any proposed amendments pending on this Part? No.

15) Summary and Purpose of Amendments: Update citations to the Illinois Compiled Statutes, allow a retail licensee to pay for alcoholic liquor via electronic fund transfer, allow the issuance and use of restaurant credit cards with a major credit card back-up, provide the process to apply for a waiver and allow invoices to be kept at a central business location in Illinois, and add regulations governing pre-mixed alcoholic beverages.

16) Information and questions regarding these adopted rules shall be directed to:

John M. Dorgan
Executive Director
Illinois Liquor Control Commission
100 W. Randolph St., Suite 5-300
Chicago, IL 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE A: ALCOHOL

CHAPTER I: ILLINOIS LIQUOR CONTROL COMMISSION

PART 100

THE ILLINOIS LIQUOR CONTROL COMMISSION

Section	
100.5	Penalties
100.10	Definitions
100.20	Employment of Minors
100.30	Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation
100.40	Local Liquor Control Commissioner's Report (Repealed)
100.50	Advertising
100.60	Geographical Territories
100.70	Labels
100.80	Bonds (Repealed)
100.90	Credit to Retail Licensees
100.100	Internal Changes Within Corporations
100.110	Application Forms (Repealed)
100.120	Railroad Licenses
100.130	Books and Records
100.140	Miniatures (Repealed)
100.150	Salvaged Alcoholic Liquors
100.160	Sanitation
100.170	Taps
100.180	Procedure Before Commission on Citations
100.190	Procedure Before Commission on Request for Continuance of Any Hearing
100.200	Wagering Stamps (Repealed)
100.210	Inducements
100.220	Retail Licensee Clubs (Repealed)
100.230	Resumption of Business on Appeal
100.240	Transactions Involving Use of Checks and Their Equivalent
100.250	Transfer of Alcohol
100.260	Uniform Systems of Accounts
100.270	Fingerprinting of Applicants (Repealed)
100.280	Giving Away of Alcoholic Liquors
100.290	Refilling
100.300	Authorization to Remove Bottles
100.310	Food Service at Park Districts
100.320	Airplanes
100.330	Advertising
100.340	Petitions for the Adoption, Amendment or Repeal of a Rule
100.350	Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner
100.360	Review on Record -- Certification of Ordinance
100.370	Procedures Before the Commission
100.380	Ex Parte Consultations

ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

100.390 Review on Record -- Certification of Ordinance (Renumbered)

100.400 Procedures Before the Commission (Renumbered)

100.410 Ex Parte Consultations (Renumbered)

AUTHORITY: Implementing and authorized by Section 3-12(2) of the Liquor Control Act [235 ILCS 5/3-12(2)].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. _____, effective _____, MAR 09 1994.

Section 100.5 Penalties

Any licensee who violates these Rules and Regulations or any part thereof adopted by the Commission under authority vested in it by Section 3-12(2) Article-III-Section-12-paragraph-2 of the Liquor Control Act [235 ILCS 5/3-12(2)] will be subject to the penalties of revocation or suspension or fine as set forth in Section 3-12(1) of the Act [235 ILCS 5/3-12(1) Article-III-Section-12-paragraph-17 or to the penalties as prescribed in Sections 10-1 and 10-4 of the Act [235 ILCS 5/10-1 and 10-4] Article-X-Sections-1-and-4-of-said Act.

(Source: MAR 09 1994 at 18 Ill. Reg. _____, effective _____)

Section 100.10 Definitions

The following words or phrases are defined as follows:

- "Resident" means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least one year and in the city, village or county in which the premises covered by the license are located for at least 90 days prior to making application for such license.
- "Corporation" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the the Business Corporation Act of 1983 1-of-Illinois [805 ILCS 5] III-Rev-Stat-1983-ch-32-pars-1-91-et-seq., including a Limited Liability Company as defined in subsection (m) below.
- "Person" includes corporations, co-partnerships, associations, clubs, individuals, trustees, receivers, assignees, executors, administrators or other personal representatives of decedents.
- "Co-partnership" means an association of two or more persons to carry on as co-owners of a business for profit.
- "Partner" is any individual who is a member of a co-partnership.
- "Manager" or "Agent" means any individual employed by any licensed place of business, provided said individual possesses the same qualifications required of the licensee. Satisfactory evidence of such

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employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe.

g) "Premises" or "Place of Business" means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or location.

h) "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined in the Act, provided that the alcoholic content thereof does not exceed 24 per cent of alcohol by volume.

i) "Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and, in the judgment of the State Commission, capable of being consumed as a beverage by a human being. The word "solid" means any substance which, by dilution or processing, becomes an alcoholic beverage.

j) "Manufacturer" shall include every person who, in the process of filling or refilling an original package with alcoholic liquors purchased by such person, changes the degree or quality of such alcoholic liquors by any manner or means whatsoever.

k) "Airplane" shall be deemed to include railroads and airplanes.

l) "Act" means the Illinois Liquor Control Act, [235 ILCS 5] 111-Rev. Stat.-1989, ch. 437, pars. 94 et seq.

m) "Limited Liability Company" means a legal business entity created and recognized under the Illinois Limited Liability Company Act [805 ILCS 180].

n) "Meal" means food that is prepared and served on the licensed premises and excludes the serving of snacks.

o) "Event" means a single theme.

(Source: Amended at 18 Ill. Reg. _____, effective _____ MAR 0 9 1994 _____)

Section 100.20 Employment of Minors

In the sale, distribution or delivery of alcoholic liquors, no retail alcoholic liquor licensee may employ, with or without compensation, or in any way directly or indirectly, use the services of a minor.

(Source: Amended at 18 Ill. Reg. _____, effective _____ MAR 0 9 1994 _____)

Section 100.30 Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation

a) No person holding a license issued by this Commission shall in the

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conduct of the licensed business or upon the licensed premises:

1) Violate any Federal law or ~~of the State Statute of Illinois~~ violate any city, village, town or county ordinance or resolution regulating the sale of alcoholic liquors.

3) Suffer or permit a violation of any Federal law or law of the State of Illinois, or of any rule of this Commission.

4) Suffer or permit a violation of the city, village, town or county ordinance or resolution regulating the sale of alcoholic liquor.

b) Violations may be proved by evidence that the licensee has been convicted of a violation of a Federal law or ~~a~~ the law of the State of Illinois in the conduct of the licensed business or upon the premises, or has been found guilty of violating any city, village, town or county ordinance or resolution regulating the sale of alcoholic liquors.

c) Proof before this Commission of facts which establish a violation of any Federal law, state statute, city, village, town or county ordinance or resolution or rule of this Commission, shall be sufficient cause for revocation or suspension of any license issued by the Commission, irrespective of whether or not a conviction has been obtained in any court.

(Source: Amended at 18 Ill. Reg. _____, effective _____ MAR 0 9 1994 _____)

Section 100.50 Advertising

a) General Requirements:

Federal Alcohol Administration Regulation No. 4 relating to the advertising of wine (27 C.F.R. Section 4 (1993), no subsequent dates or editions), Federal Alcohol Administration Regulation No. 5 relating to the advertising of distilled spirits (27 C.F.R. Section 5 (1993), no subsequent dates or editions) and Federal Alcohol Regulation No. 7 relating to the advertising of malt beverages (27 C.F.R. Section 7 (1993), no subsequent dates or editions), ~~and all amendments thereto~~ are hereby adopted and made a part of this Section for advertising of wine, distilled spirits and malt beverages insofar as the Federal regulations ~~and amendments~~ are not contrary to, or inconsistent with, the provisions of the laws of Illinois or this Part.

b) Advertising:

1) No manufacturer, distributor, importing distributor, or retailer, or the agent or representative thereof, may advertise any alcoholic beverage in any medium intended for circulation, viewing or listening within this State unless such advertisement is in conformity with the provisions of this Part.

2) Such advertisement shall conform to the approved label upon the immediate container of the alcoholic liquor so advertised.

3) Such advertisement shall not refer to the alcoholic content of malt beverages.

4) Such advertisements shall not contain illustrations of children

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nor shall they make use of any material which would make a special appeal to juveniles.

- 5) Such advertisements shall not contain any material which is false or untrue in any respect.

c) Cost adjustment factor:

- 1) A cost adjustment factor will be used to annually update the dollar limitations set forth in Section 6-6(i) and (ii) of the Liquor Control Act of 1934 [235 ILCS 5] (11th Rev. Stat. 1987) ch. 43, par. 12-11.1 and (11.1).

- 2) The cost adjustment factor is a percentage equal to the change in the Bureau of Labor Statistics Consumer Price Index or 5%, whichever is greater.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 0 8 1994)

Section 100.60 Geographical Territories

- a) Every manufacturer, distributor, importing distributor, foreign importer or nonresident dealer who owns or controls the trademark, brand or name of any alcoholic liquor, sold or intended for sale in Illinois, shall register with the Commission the names of all persons to whom the right is granted to sell or distribute alcoholic liquor, at wholesale, specifying the trade-mark, brand or name of the alcoholic liquor, and the geographical territory or territories for which such distributing rights have been given. A copy of the Registration Statement and Withdrawal of Registration filed with the Commission shall be sent certified or registered mail to all those listed thereon to serve as notice of the contents.

- b) No such registration shall be made by any one other than the manufacturer, distributor, importing distributor, foreign importer or nonresident dealer owning or controlling such trade-mark, brand or name.

- c) No distributor, importing distributor or foreign importer shall sell, purchase, receive or distribute at wholesale in Illinois, or shall transport or cause to be transported for sale at wholesale in Illinois any alcoholic liquor, bearing any such trade-mark, brand or name outside of the respective geographical territory for which distributing rights have been given such distributor, importing distributor, or foreign importer as registered with the Commission in accordance with the provisions hereof.

- d) No retailer may, knowingly purchase or receive for sale at retail any alcoholic liquor, bearing any such trade-mark, brand or name from any distributor not having distributing rights in the geographical area in which the place of business of such retailer is situated.

- e) No manufacturer, distributor, importing distributor, foreign importer or nonresident dealer shall willfully fail to register with the Commission as herein provided.

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(Source: Amended at 18 Ill. Reg. _____, effective
MAR 0 8 1994)

Section 100.70 Labels

- a) No manufacturer, distributor or importing distributor shall sell or deliver any package or container containing alcoholic liquor manufactured or delivered by such person unless the same is labeled in conformity with this Rule.

- b) General requirements and Restrictions:

- 1) Federal Alcohol Administration Regulations Nos. 4, 5 and 7 relating to the labeling of wine, distilled spirits and malt beverages (27 C.F.R. Section 4, 5, and 7, April 1980 1993, not including any later amendments or editions), are hereby adopted and made a part of this Rule for labeling every package or container of wine, distilled spirits and malt beverages, with the following exceptions:

- A) Wine includes all products as defined in Section 1-3.03 of the Act [235 ILCS 5/1-3.03] par. 1-3.03 of the Act and Section 100.10(h) of this part.

- B) Alcoholic content must be stated on all wine labels.

- 2) The aforesaid Regulations shall apply to wine, distilled spirits and malt beverages packaged purely for intrastate commerce within the State of Illinois to the same extent as though intended for interstate or foreign shipment.

- 3) No manufacturer, distributor or importing distributor shall affix any label to any package or container containing alcoholic liquor for sale or delivery in the State of Illinois until such label has been submitted to and approved by the Federal government. Such manufacturer, distributor or importing distributor shall submit to the Illinois Liquor Control Commission a photostatic copy of the Federal label approval.

- 4) No package or container containing alcoholic liquor labeled as "whiskey" or "gin" may be imported into, delivered or sold in the State of Illinois unless the entire alcoholic content thereof, except flavoring materials, is a distillate of fermented mash of grain or mixtures of grains. Packages or containers of alcoholic liquor of the type of whiskey or gin not conforming to the requirement must be labeled "imitation whiskey" or "imitation gin", as the case may be.

- 5) Wine Labels

- A) Wine labels must contain the name and address of the manufacturer or the bottler of the product.

- B) For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located, is acceptable.

- 6) Malt Beverage Labels

- A) Malt beverage labels must contain the name and address of

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the brewery which manufactured or canned or bottled the product.

- B) For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located, is acceptable.

7) Distilled Spirits Labels

- A) Labels of all alcoholic liquors other than wine and malt beverages must contain either the phrase "Bottled By" or "Distilled By" (or other descriptive identification of the manufacturer of the product) followed by the name and address of the bottler or manufacturer, as the case may be.

- B) For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located, is acceptable.

- 8) No statement of age shall be made with respect to gins, cordials, liqueurs or specialties.

- 9) No person shall sell or offer for sale in this State any bottle, barrel, keg or other container of beer which shall have affixed thereto any label or statement showing the alcoholic content thereof.

- 10) The Commission shall withhold approval of any label if it has reasonable cause to believe that the wording or design contained on the label may, in any manner, tend to deceive the purchaser as to the true nature of such alcoholic liquor.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 09 1994)

Section 100.90 Credit to Retail Licensees

The following rule shall govern in the application of the provisions of Section 4 6-5, Article-VI of the Act [235 ILCS 5/6-5] relating to extension of credit to retail licensees by manufacturers, distributors and importing distributors:

- Where two or more retail licensees are controlled by common ownership and one or more of the retail licensees becomes delinquent, then, and in such event, all retail licensees under said ownership shall be deemed delinquent.
- In totaling the 30 day period for the purpose of determining the delinquency of a retail licensee, the first day shall be the day immediately following the date of the invoice of the purchase in question, and all successive days shall be included, Sunday as well as holidays, up to and including the thirtieth successive day.
- Payment by check on or before the thirtieth day following the date of the invoice shall be considered payment, providing said check is deposited and cleared within the period prescribed by the ordinary course of business.
- Where a bona fide sale of a retail business occurs, the purchaser

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shall not be deemed delinquent because of the delinquency of said purchaser's predecessor in interest; however, in the event there is a continuity of interest, direct or indirect, between the seller and the purchaser, the latter shall be deemed delinquent in the same manner, and to the same extent, as was the seller.

- e) Where there exists a bona fide dispute between the retail licensee and the wholesale licensee as to the fact of payment of a given sale, such sale in itself shall not be deemed sufficient grounds for considering the retail licensee delinquent.

- f) Where a retail licensee pays a salesman, or other agent of the wholesaler, such payment shall be deemed effective upon the receipt of the money, or check by said salesman or other agent.

- g) Where a retail licensee is deemed delinquent and, therefore, not able to purchase for cash, or otherwise, any alcoholic liquors, the retail licensee may nevertheless, purchase beer for cash.

- h) Payment received from a delinquent retailer after the first business day of the calendar week and before a verified written statement of delinquency has been submitted to the State Commission will entitle the manufacturer, importing distributor or distributor submitting said list to delete that retailer's name from said list.

- i) Determinations of delinquency or non-delinquency shall be made by the Chairman, Executive Director or any individual so authorized by the Chairman or Executive Director on the basis of the verified report of delinquency and any affidavits or counter-affidavits before him or her. Any licensee objecting to such determination may request the Commission in writing for a hearing which will be set at the next regularly scheduled meeting of the Commission.

- j) A copy of any verified written list of delinquencies shall be simultaneously forwarded to those licensees listed therein by the manufacturer, importing distributor or distributor submitting such list.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 09 1994)

Section 100.120 Railroad Licenses

- A railroad license shall be required for every club, buffet, lounge or dining car on a railway operating in the State of Illinois on which alcoholic liquors are sold or offered for sale. Likewise, a railroad license is required for every such railroad car to which deliveries of alcoholic liquors intended to be offered for sale or sold thereon are made within the State of Illinois, even though such offer for sale or sale will only be made beyond the borders of the State of Illinois.
- Only one application is required to be filed by each operator, but the application shall state thereon, or upon schedules submitted therewith, the names, numbers and classification of all cars for which a railroad license is required as provided in paragraph a above.
- A railroad license shall be issued for each car described in an

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application. Each license shall state the name, number and classification of the car to which it applies. Such license shall at all times be displayed in the car to which it applies in the manner provided in the Act, or the railroad licenses shall be maintained at the licensee's business premises in Illinois.

d) If during any licensing period any car for which a license has been issued for any reason ceases to operate in or over the State of Illinois and another is substituted in its place, a new license will not be required for the car substituted, but the operator must transfer the issued license from the licensed car to the substitute car.

e) It is the intent and purpose of this Rule to require a license for each car in which alcoholic liquors are sold or offered for sale in or over the State of Illinois. Any operator who, by reason of changes of schedules, additions of trains or equipment, or otherwise, increases the number of cars for which licenses are required beyond the existing number of licenses theretofore issued to such operator during that licensing period, shall make an application and receive a license for each added or additional car.

f) A railroad license permits the sale of alcoholic liquors only for consumption upon the train on which they are sold. No railroad licensee or any agent or employee thereof, is permitted to sell and deliver to any purchaser any alcoholic beverage in an unopened original package.

(Source: Amended 18 Ill. Reg. _____, effective MAR 09 1994)

Section 100.130 Books and Records

a) It is the duty of each manufacturer, importing distributor, distributor and foreign importer to keep at all times complete and accurate records of all purchases and all sales or other dispositions of alcoholic liquor, and complete and accurate records of alcoholic liquor produced, manufactured, compounded or imported, whether for the licensee or for another. All books and records, which manufacturers, distributors, importing distributors and foreign importers are required by the Act to keep, shall be preserved for a period of three (3) years, unless the State Commission in writing authorizes their destruction or disposal at an earlier date.

b) Each such licensee is required to retain invoices and bills of lading covering sales of alcoholic liquors.

c) Each manufacturer, distributor, importing distributor and foreign importer must at the time of sale of any alcoholic liquors render to the purchaser an invoice describing the alcoholic liquor sold, the date of sale, to whom sold and the quantity sold. Duplicate copies of all such invoices must be made and preserved by such manufacturer, distributor, importing distributor and foreign importer for audit purposes.

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d) Each manufacturer, distributor, importing distributor and foreign importer shall keep a ledger or other records giving the name, license number and expiration date, and address of each purchaser of alcoholic liquors and information concerning each purchase, including invoice number, date of sale, amount of sale and date of payment therefor.

e) It is the duty of each retail licensee to keep on the licensed premises invoices, or copies thereof, covering purchases of alcoholic liquor for a period of 90 days after such purchase, unless the State Commission has granted a waiver in response to a written request in cases where books and records are kept at a central business location within the State of Illinois. If granted a waiver, each licensee will be required to have at each location a copy of the waiver granting permission to have the invoices located at a central business location. A copy of the waiver must be available for inspection at the location of the business within 30 days of the date of the signed waiver. An administrative fee of \$10.00 per location, or \$100 maximum for businesses with multiple locations of 10 or more, will be assessed. Before any change is made in the central business location where the invoices are to be kept, the Illinois Liquor Control Commission should be notified and a new waiver request form must be submitted to the Illinois Liquor Control Commission for prior approval. The waiver will remain effective unless and until a new waiver request has been approved by the Illinois Liquor Control Commission. Periodic updates may be required.

(Source: Amended 18 Ill. Reg. _____, effective MAR 09 1994)

Section 100.150 Salvaged Alcoholic Liquors

a) Insurance companies or their duly authorized representatives may take possession of alcoholic beverages insured by such companies and damaged as a result of flood, wreck, fire or similar occurrence, for which insurance was provided.

b) Common carriers or their duly authorized representatives may take possession of alcoholic beverages transported by such carrier and damaged in transit.

c) Alcoholic beverages salvaged as in paragraphs a and b may be sold to retail licensees provided the conditions enumerated below shall have been complied with. Alcoholic beverages so salvaged shall be referred to as "distressed merchandise".

d) Each container of alcoholic beverages sold pursuant to this rule shall be labeled to identify such goods as distressed merchandise. The letters on the label shall be no smaller than pica type and shall be bold faced. The label shall be no less than two inches long and one inch wide, and shall be affixed diagonally over the regular label on each bottle or package prior to delivery to any retail licensee. The following statement shall be printed on the label: "The alcoholic beverages contained herein have been designated distressed merchandise

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by the Illinois Liquor Control Commission. This container has been salvaged from a fire, flood, wreck or similar catastrophe. This label is not affixed by the manufacturer. Do not remove this label."

- e) Any insurance company, common carrier or representative of either, seeking to sell distressed merchandise shall first obtain a distributor's license from the Illinois Liquor Control Commission. The application shall provide, "The applicant seeks to sell distressed merchandise in Illinois." Retailer's licenses may also be applied for, if the insurance company, common carrier or representative of either seeks to sell alcoholic liquors to consumers in Illinois.

- f) Alcoholic beverages so salvaged outside of Illinois may not be imported into Illinois for purposes of sale pursuant to this rule. Prior to release of distressed merchandise for sale in Illinois, an affidavit by the insurance company's or common carrier's authorized representative must be presented to the Commission stating first hand knowledge that the distressed merchandise was salvaged from a fire, flood, wreck or similar catastrophe which occurred within the State of Illinois, stating with particularity the time, place and nature of the occurrence, and a complete inventory of the items so salvaged as the quantity, brand names and container sizes.

- g) In the event the tax provided under Sections 8-1 through 8-14 ~~150 through 155~~ of the Act [235 ILCS 5/8-1 through 8-14] is unpaid on the distressed merchandise, the applicant shall make payment of the tax on such merchandise to the Department of Revenue, and evidence of payment must be presented to the Commission prior to release of such distressed merchandise for sale in Illinois.

- h) It shall also indicate on its letter of application to sell such distressed merchandise in Illinois, whether the sale shall be by auction or to a designated licensee. If the sale shall be by auction, the time and place of the auction and the name of the auctioneer or other person authorized to sell such distressed merchandise shall be listed. If the sale is to be made directly to a given licensee or licensees, the name and address of the licensee or licensees, together with the current State retail liquor license number of such licensee or licensees shall be listed. No sale may be made by auction to any person, firm or corporation not licensed under the provisions of the Act.

- i) Written approval and release for sale made hereunder must first be obtained from the Commission. Approval and release as aforesaid shall not be issued until a physical inspection has been made of the merchandise by an authorized representative of the Commission in order to determine that compliance has been had with the provisions of this Rule. After any sale of distressed merchandise shall have been completed, the insurance company, common carrier or their representative shall report in writing to the Commission the name of the licensee or licensees who have purchased the distressed merchandise, the quantities and brand names of such distressed merchandise.

- j) In the event that the insurance company, common carrier by this sale,

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disposed of less than the entire inventory of distressed merchandise, the written report shall list the remaining inventory, indicating the quantity, container sizes and brand names, the place where such inventory is stored, and the person in control of possession of such inventory.

- k) No distressed merchandise shall be sold in Illinois where the original packages shall have been so damaged as to render the label thereon illegible, or when the substantive labeling requirements under ~~Article 17~~ ~~Section 6-7~~ of the Act [235 ILCS 5/6-7] and under Section 100.70 are not complied with as a result of the damage to the container.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 09 1994)

Section 100.160 Sanitation

- a) All licensees must conduct their business in premises which are at all times kept clean and sanitary. This applies not only to licensed premises, but to places of storage as well. This includes also the place of storage for materials and equipment used in the manufacture of alcoholic liquor.

- b) Each retailer dispensing draught beer or wine shall have coils and other equipment used in drawing draught beer or wine cleaned at least once every week in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible. A record shall be kept of the dates when the cleaning was done, signed by the person who actually performed the cleaning.

- c) Any manufacturer, importing distributor or distributor who pays for the cleaning of coils of any retailer is in violation of ~~Section 4-06 Article VI of the Act~~ 235 ILCS 5/6-5.

- d) No licensed manufacturer or importing distributor shall fill or refill any container of alcoholic liquor unless such person possesses upon the licensed premises adequate and sanitary equipment for cleaning, washing and sterilizing such container, and use such equipment before filling or refilling a container.

- e) Pre-mixed alcoholic beverages must not be brand specific, but of the generic type. Pre-mixed alcoholic beverages and their containers must comply with all sanitation requirements as found in this Section, along with all prohibitions against refilling as found in Section 100.290(c). All pre-mix dispensing containers or systems must be drained, contents disposed of, and thoroughly cleaned at least once every week. For mechanical systems a record shall be kept on the premises as to the dates the cleaning was done, signed by the person who actually performed the cleaning.

(Source: MAR 09 1994 18 Ill. Reg. _____, effective _____)

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Section 100.170 Taps

- a) Each retail licensee selling malt beverages or wine on draught for consumption on the premises, shall display a sign on, over or near each tap or faucet showing the ~~name-of-the-manufacturer~~ trade-mark, brand or name of alcoholic liquor ~~of-such-beverages~~. This sign must be visible to patrons for a distance of at least ten (10) feet.
- b) No licensee shall substitute any other brand of malt beverages or wine in place of the brand designated by such visible sign and the licensee shall be prepared at all times to serve any malt beverages or wine that are advertised by such sign or signs upon the premises.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 09 1994)

Section 100.180 Procedure Before Commission on Citations

- a) This Commission shall have the right to proceed by citation and notice of hearing, to require any licensee of said Commission to appear at a time and place specified in said notice to show cause why its State liquor license should not be suspended or revoked for violations of the Illinois Liquor Control Act or the Rules or Regulations issued pursuant thereto.

This Commission shall also have the right to proceed by citation and notice of hearing against a licensee for failure to respond to any Illinois Liquor Control Commission correspondence. This correspondence shall include but is not limited to any Warning Letters, Offers in Compromise, and Pre-Disciplinary Conferences.

- b) All such original proceedings shall be instituted by complaint in writing, shall state the particular provision, rule or regulation alleged to have been violated and the facts in detail upon which such allegation is based and shall be signed by the Chairman or any member of the Commission.

- c) The licensee against whom complaint has been filed shall be entitled to be served with a copy of the complaint or citation and shall be given notice of the time and place set for the hearing of said complaint.

- d) Said citation and notice of hearing shall be served on the licensee named therein not less than ten (10) days prior to the date specified in said notice of hearing.

- e) Said licensee named in said citation and notice of hearing shall appear at the time and place designated in said citation and notice of hearing.

(Source: MAR 09 1994 at 18 Ill. Reg. _____, effective _____)

Section 100.210 Inducements

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- a) Distributors servicing, balancing, or inspecting draft beer or wine systems at regular intervals, and providing labor to replace or install rods, taps, faucets, fittings and lines in draft beer or wine dispensing equipment shall not be considered a subsidy. However, free cleaning of coils by a Distributor or by a company whose services are paid for by a Distributor shall be considered a subsidy, or something of value in violation of Sections 6-5 and 6-6 ~~122-and-123~~ of the Act [235 ILCS 5/6-5 and 6-6].

- b) Courtesy Wagons and/or coil boxes and pumps may be supplied by a Distributor free of charge one time per year for a one day period to a retail liquor licensee for picnics held by said retailer for the retailer's customers. However, this is not to be construed to mean that free beer or wine may also be supplied to a retail licensee.

- c) Courtesy Wagons and/or coil boxes and pumps may be supplied by a Distributor for a picnic, carnival or social event that is given by or under the auspices or sponsorship of a municipal, religious, charitable, fraternal or social organization.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 09 1994)

Section 100.240 Transactions Involving Use of Checks and Their Equivalent

- a) No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered. The use, however, of money orders, traveler's checks, drafts or checks or the equivalent of any of the foregoing shall not be deemed the extension of credit within the meaning of the foregoing provisions if not postdated and if deposited and collected in due course promptly.

- b) The use of credit cards or other authorizations, irrespective of form, when presented to and honored by a retail licensee for payment for alcoholic liquor consumed at retail on the premises, shall be deemed equivalent to the use of bank checks or bank drafts, if the retail licensee honoring such credit cards or authorizations receives payment in due course from such agency on a non-recourse basis.

- c) Payment in cash by the retail licensee shall mean payment in legal tender as provided by the United States Code, checks (including Certified checks, Cashier's checks, Teller's checks or Traveler's checks), drafts and electronic transfer of funds, provided the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquor.

- d) The use of restaurant credit cards issued by a restaurant retail licensee, when presented to and honored by a restaurant retail licensee for payment for meals and alcoholic liquor consumed at retail on the premises, shall be deemed equivalent to the use of bank checks or bank drafts, if the restaurant retail licensee honoring such credit cards or authorizations has on file for all restaurant credit card

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holders a current, valid major credit card. If payment for the alcoholic beverages is not received in due course from the restaurant credit card holder, then the restaurant retail licensee must charge the current, valid, major credit card in its file.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

Section 100.250 Transfer of Alcohol

The holder of a retail license for the privilege of selling alcoholic liquors at retail on the premises specified in such license, for use or consumption, is hereby restricted to such sale from the licensed premises only and is not permitted to sell, purchase or transfer such alcoholic liquor to any other licensed premises.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

Section 100.260 Uniform Systems of Accounts

a) It shall be the duty of all retail licensees of this Commission for the purpose of this Act, to keep the minimum uniform records described in this Rule at a location within the State of Illinois for the purpose of inspection at all reasonable times by representatives authorized in writing by the chairman or a member of the Illinois Liquor Control Commission, or by representatives authorized in writing by any local Liquor Control Commissioner that issues the local license.

b) Retail licensees maintaining records on the cash basis:

- 1) A record of cash receipts from all sources. This record must be kept in accordance with the Rules and procedural requirements of the Illinois Department of Revenue, as set forth in the Retailers Occupation Tax Act [35 ILCS 120] ~~Ill.-Rev.-Stat.-1983-CH-1207~~ **PARS--440-et-seq.** and 86 Ill. Adm. Code 130: Subpart H.
- 2) A record of all cash disbursements for payment of merchandise purchases. This record must be documented by paid invoices or receipts.

- 3) A record of all cash disbursements for operating expenses (including rent, salaries, light, power and heat, payroll and other taxes) and all other expenses. This record shall show to whom payment was made and for what purpose.

- 4) Monthly or quarterly statements must be available for inspection disclosing cash receipts, cash disbursements for merchandise purchases and cash disbursements for operating expenses, and all other expenses, which will reflect the licensee's gross profit, net profit or loss, and the person or persons sharing directly or indirectly in the said net profit or loss. Where physical inventories are not taken quarterly, it will be permissible to

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determine gross profit on the basis of deducting purchases from sales.

- 5) A record must also be maintained of cash on hand and cash in the bank. Bank statements and canceled checks must also be on file.

c) Retail licensees who maintain records on an accrual basis:

Retail licensees must continue their present methods. This method of record keeping must also be one conforming to the Rules and Regulations of the Illinois Department of Revenue as cited above. The records of such licensees shall be documented in the same manner as those of licensees on the cash basis. In addition they shall maintain records supporting entries made for accruals of income and expenses.

d) Beneficial interest:

- 1) All documents, including but not limited to bills of sale, contracts of purchase, evidence of mortgage indebtedness or leases of licensed premises, evidence of original capital investment, a record of who provided such capital funds and from what bank or other lender, if any, said funds were obtained, and any agreements for sharing profits other than on the basis of shares of stock owned or sharing of profits set forth in the articles of partnership, shall be maintained and available for inspection. Also, if the licensee is a corporation, a listing of all stockholders of record shall be maintained. If the licensee is a partnership, the articles of partnership shall be available for inspection.

- 2) Requirements for maintenance of records of beneficial interest specified under the preceding paragraph shall not be applicable to licensees having one or more classes of equity securities registered with the Securities Exchange Commission. Nor shall they be applicable to licensees of which more than 50 per cent of the voting securities are owned by a company that would be exempted hereunder if it were the licensee.

- 3) Licensees availing themselves of the exemption stated in the preceding paragraph shall notify the Illinois Liquor Control Commission in writing that they are exempt under this provision, as above stated, and are filing annual reports with the Securities Exchange Commission, and that this exemption shall be effective so long as they are filing such annual reports.

- e) Each retail licensee must also have available for inspection said licensee's Retailer's Occupation Tax Registration Certificate as issued by the Illinois Department of Revenue.

- f) Each retail licensee of this Commission shall maintain and preserve the required records as set forth in this Rule for at least three calendar years.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

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Section 100.280 Giving Away of Alcoholic Liquors

- a) No individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.
- b) No licensee shall give or offer to give away alcoholic liquor in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.
- c) No individual, partnership, corporation or licensee shall advertise or promote in any way, whether on or off licensed premises, any of the practices prohibited under subsection (a) or (b) above.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 09 1994)

Section 100.300 Authorization to Remove Bottles

- a) When an authorized agent of the Commission finds or has probable cause to believe that any original package of alcoholic liquor, or other bottles, casks, or containers containing alcoholic liquor, is adulterated within the provisions of Section 100.290 of this Part or Section 5-22 of the Act [235 ILCS 5/6-22], said agent shall remove said package, bottle, cask or container from the premises together with such other sealed packages, bottles, casks or containers as may be necessary to test such suspect alcoholic liquor.
- b) Any such packages, bottles, casks or containers determined by the Commission to be so adulterated shall be destroyed. However, any packages, bottles, casks or containers not so adulterated and all sealed packages, bottles, casks or containers removed for comparison testing shall, after the entry of an order, be returned to the licensee.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 09 1994)

Section 100.310 Food Service at Park Districts

- a) Section 6-15 ~~is of Article VI~~ of the Act [235 ILCS 5/6-15] requires food service in buildings of golf courses owned by municipalities or park districts, if alcoholic liquors are to be delivered and sold in such buildings.
- b) Said food service does not require the kitchen and dining room equipment called for in Section 1-3.23 ~~2-23 of Article I~~ of the Act [235 ILCS 5/1-3.23].
- c) Said food service shall consist of the service of sandwiches of any kind, including hot and cold sandwiches, hot dogs, hamburgers, pizzas, tacos, and any other substantial foodstuff, excluding the service of peanuts, pretzels, potato chips, popcorn or ice cream cones.

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(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 09 1994)

Section 100.320 Airplanes

The holder of an airplane license issued by the Commission shall be permitted to do the following:

- a) To import alcoholic liquors from any point in the United States outside of the State of Illinois, and to store said alcoholic liquors in the State.
- b) To import and purchase alcoholic liquors directly from non-resident dealers, manufacturers, producers, foreign importers, distributors and importing distributors from within or outside of the State of Illinois, and to store said alcoholic liquors in the State.
- c) To make such purchases whether from non-resident dealers, manufacturers, importing distributors, distributors, or foreign importers within the State of Illinois or outside of the State of Illinois on a non-tax paid basis and to file with the Department of Revenue of the State of Illinois, as may be required by the Department, a bond and monthly liquor gallonage reports, and make payment of gallonage tax due for those alcoholic liquors sold or dispensed in the State of Illinois. All of this to be done in accordance with and in conformity with the procedures and standards as set forth in Sections 8-1, 8-2, and 8-3 ~~1587-159-and-159a~~ of the Act [235 ILCS 5/8-1, 8-2, and 8-3].
- d) All such privileges as set forth in ~~Paragraphs (a-c)~~ subsections (a) through (c) of this Section shall be exercised only in connection with the importation, purchase, or storage of alcoholic liquors to be used in connection with the sale or dispensing of alcoholic liquors on an airplane.
- e) The holder of an airplane license shall not sell for resale any alcoholic liquors to any licensee within the State of Illinois.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 09 1994)

Section 100.330 Advertising

Pursuant to Sections 6-4, 6-5, and 6-6 ~~1217-122-and-123~~ of the Act [235 ILCS 5/6-4, 6-5, and 6-6], no retail licensee or entity having more than a 5% interest in a retail licensee shall have any, direct or indirect, interest in or control of any advertising or promotional company which receives funds, directly or indirectly from, or for the account of, any manufacturer, broker, distributor, importing distributor or foreign importer of alcoholic beverages; nor shall any manufacturer, broker, distributor, importing distributor or foreign importer make any payment, direct or indirect, to any retailer, retailer-cooperative, or advertising or promotional company, in consideration of any advertising or promotional efforts of any kind coupling the name of any alcoholic beverage product with the name of any retailer or

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retailer-cooperative.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

Section 100.340 Petitions for the Adoption, Amendment or Repeal of a Rule

Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13], formerly Chapter 43, Illinois Revised Statutes, Section paragraphs 1087 and 1087a7, and Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100 Art.5] Chapter-127-titlnets-Revised-Statutes7-Section-1087:

- a) Any interested person may petition this Commission requesting the adoption, amendment or repeal of a rule. Such petition shall be submitted in writing to the Illinois Liquor Control Commission, James R. Thompson Center, 100 W. Randolph St., Suite 5-300 169-North-Baseille Street, Chicago, Illinois, Room-1427 or 300 201 West Monroe Street, Springfield, Illinois. Six copies of each petition along with any supporting documents shall be submitted in the following form:
 - 1) Petition for (Adoption, Amendment, Repeal) of (a) Rule (Rule No. if Applicable) of the Illinois Liquor Control Commission.
 - 2) I, (Name of Interested Party), do hereby petition the Illinois Liquor Control Commission to (Adopt, Amend, Repeal) (a) Rule (Rule No. if Applicable) for the following reasons:
 - 3) (State reasons as fully as possible. Attach or include any documentation for your reasons)
- b) If the petition is for the Adoption or Amendment of a Rule, attach a draft of the proposed adopted or amended Rule which you feel will adequately deal with the reasons you outlined for adoption or amendment.
- c) All such petitions shall be signed by the petitioner and shall state his or her address and phone number. A petition shall also state whether the petitioner is a licensee of this Commission or not, and whether they are related to or connected with any licensee of this Commission, and if so, in what capacity.
- d) Upon receipt of a petition in the proper form, such petition will be considered by the Commission. If the petition is granted, the petitioner will be notified in writing and the Commission shall initiate rule-making proceedings in accordance with Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5] Section-5-of-the-Illinois-Administrative-Procedure-Act-(Chapter-127-titlnets-Revised-Statutes7-Section-1087 and 2 Ill. Adm. Code Section 2075.100. If, within 30 days after submission of a petition, the Commission has not initiated rule-making proceedings in accordance with Article 5 Section-5 of the Illinois Administrative Procedure Procedures Act [5 ILCS 100/Art. 5] and 2 Ill. Adm. Code Section 2075.100, the petition shall be deemed to have been denied.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

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Section 100.350 Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner

Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13] Section-3-12-and-3-13-of-the-Illinois-Liquor-Control-Act-of-1994 titl---Rev---Stat---19877 ch---43---par---108-and-108a7 and Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25] titl---Rev---Stat---1991---ch---1277---par---108-257:

a) In all cases where an appeal from an order or action of the local liquor control commissioner is filed with this Commission, the party filing the appeal shall furnish along with the petition to appeal:

- 1) a copy of the citation and notice of hearing before the local liquor control commissioner, if any
 - 2) a copy of the decision or order of the local liquor control commissioner
 - 3) a copy of any local ordinances charged to be violated
 - 4) the current State Retail Liquor License number of the establishment involved
 - 5) a statement indicating whether or not the licensee has, within the last 12 month period, had a suspension or revocation placed upon said licensee, and if so, all the details relating thereto.
- b) In all cases where an appeal is to be heard upon the record, a certified official record of the proceedings taken and prepared by a certified court reporter, along with all exhibits, shall be filed by the local liquor control commissioner within 5 days after notice of the filing of such appeal, if the appellant licensee pays for the transcript and five additional copies.
- c) The parties shall file six copies of any documents filed in connection with the said appeal.
- d) Upon notice to the local liquor control commissioner that an appeal has been accepted by this Commission, Section 100.230 of the Illinois Liquor Control Commission shall become effective, when applicable.
- e) All materials filed with this Commission shall be served upon the opposing party, or parties in interest.
- f) Proof of service upon the opposing party or parties in interest shall accompany all materials filed with this Commission and served upon such parties.
- g) All material filed with this Commission shall be filed at James R. Thompson Center, 100 West Randolph Street, Room 5-300, Chicago, Illinois 60601 or 201 300 West Monroe Street, Springfield, Illinois 62706.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

Section 100.360 Review on Record -- Certification of Ordinance

Pursuant to Sections 3-12, 3-13 and 7-69 of the Act [235 ILCS 5/3-12, 3-13 and 7-69] Chapter-43-Illinois-Revised-Statutes7-Section-1087-and-1087a7 and the Illinois Administrative Procedure Act [5 ILCS 100] Chapter-127-titlnets

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Revised-Statutes--Section-1004:

- a) In all cases where an appeal shall be on the record pursuant to the requirements of Section 7-9 159 of the Act [235 ILCS 5/7-9], the Local Liquor Control Commissioner shall file with this Commission a certified copy of the resolution adopted which requires that review shall be on the record.
- b) Once such a certified copy is so filed with this Commission, it shall serve as proof of said resolution for all subsequent appeals from that local, upon a certified representation, signed by the Local Liquor Control Commissioner that said resolution is currently in force and effect as applied to the pending matter.
- c) All parties may also stipulate that review shall be on the record.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

Section 100.370 Procedures Before the Commission

Pursuant to Sections 3-12, 3-13 and 7-6 of the Act [235 ILCS 5/3-12, 3-13 and 7-6] and the Illinois Administrative Procedure Act Chapter-437--Illinois--Revised Statutes--Section-100--100477--and--1597--and--Chapter--127--Illinois--Revised Statutes--Section-1001-ee-seq [5 ILCS 100]:

The provisions of the Illinois Administrative Procedure Act concerning procedures in contested cases and licensing matters shall be applicable in all proceedings before this Commission on citations.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

Section 100.380 Ex Parte Consultations

Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13] Chapter-437--Illinois--Revised-Statutes--Section-1007-100477 and Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60] Chapter-127 Illinois--Revised-Statutes--Section-10157-1977:

Except in the disposition of matters which they are authorized by law to entertain or dispose of on an ex-parte basis, neither agency members, employees nor hearing examiners shall, after notice of hearing in a contested case or licensing to which the procedures of a contested case apply under this Act, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative of such party, except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member or hearing examiner may have the aid and advice of one or more personal assistants.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 09 1994)

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- 1) Heading of the Part: Rules for the Award and Monitoring of Trust Funds

- 2) Code Citation: 20 Ill. Adm. Code 1810

- 3) Section Numbers: Adopted Action:

1810.1100	New Section
1810.1110	New Section
1810.200	New Section
1810.210	New Section
1810.220	New Section
1810.230	New Section
1810.240	New Section
1810.250	New Section
1810.300	New Section
1810.400	New Section
1810.410	New Section
1010.420	New Section
1810.430	New Section
1810.440	New Section
1810.500	New Section
1810.510	New Section
1810.520	New Section
1810.530	New Section
1810.540	New Section
1810.550	New Section
1810.600	New Section
1810.610	New Section
1810.620	New Section
1810.700	New Section
1810.710	New Section
1810.720	New Section
1810.730	New Section
1810.800	New Section
1810.900	New Section
1810.910	New Section
1810.1000	New Section
1810.1010	New Section
1810.1020	New Section
1810.1100	New Section
1810.1110	New Section

- 4) Statutory Authority: 20 ILCS 4005/1 et seq.

- 5) Effective Date of Rules: **MAR 14 1994**

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) Date filed in Agency's principal office: March 9, 1994

- 9) Date Notice of Proposed Rule Published in Register: December 3, 1993
Ill. Reg. 20516

- 10) Has JCAR issued a Statement of Objection to these rules? No

- 11) Differences between proposed and final version: Minor non-substantive

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changes were made pursuant to comments from the Administrative Code Division and JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this part? No
- 15) Summary and Purpose of Rules: These rules establish guidelines for the award and receipt of Motor Vehicle Theft Prevention Trust Funds and for the permissible use of those Trust Funds.
- 16) Information and questions regarding these adopted rules shall be directed to:

Gerard Ramker, Program Director
 Illinois Motor Vehicle Theft Prevention Council
 c/o Illinois Criminal Justice Information Authority
 120 S. Riverside Plaza
 Chicago, IL 60606-3997
 (312/793-8550)

The full text of the Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
 CHAPTER VI: ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

PART 1810

RULES FOR THE AWARD AND MONITORING OF TRUST FUNDS

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 1810.100
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Applicability
 Definitions

SUBPART B: AWARD CRITERIA AND PROCEDURES

Section
 1810.200
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Eligible Recipients
 Eligible Programs and Activities
 Award Process
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 Modification or Amendment of the Agreement

SUBPART C: APPROVAL FOR PROGRAMMATIC OR BUDGET REVISIONS

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SUBPART D: GENERAL PROVISIONS REGARDING AWARDS

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 Indirect Costs

SUBPART F: IMPLEMENTING ENTITY RECORD KEEPING

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1810.800

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SUBPART I: MONITORING PROGRAM PERFORMANCE

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1810.900
1810.910

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Audits

SUBPART J: SUSPENSIONS AND TERMINATION

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1810.1000
1810.1010
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Suspension
Extension
Termination

SUBPART K: APPEALS

Section
1810.1100
1810.1110

Applicable Legal Guidelines
Appeal Procedures

AUTHORITY: Implementing and authorized by the Illinois Motor Vehicle Theft Prevention Act [20 ILCS 4005].

SOURCE: Adopted at 18 Ill. Reg. _____, effective
MAR 14 1994.

SUBPART A: GENERAL PROVISIONS

Section 1810.100 Applicability

The rules contained in this Part are applicable to Illinois Motor Vehicle Theft Prevention Council provision of financial support to eligible recipients to improve and support the administration of motor vehicle theft laws in Illinois.

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Section 1810.110 Definitions

"Act" - the Illinois Motor Vehicle Theft Prevention Act [20 ILCS 4005].

"Adverse Action" - any or all of the following:

The suspension by the Executive Director of the performance of an award agreement for more than twenty-eight (28) calendar days aggregated within a twelve (12) month period, exclusive of any period of extension that may be granted;
The termination of an award agreement by the Executive Director;
The denial by the Executive Director of a request for a material revision to an award agreement.

"Authority" - the Illinois Criminal Justice Information Authority.

"Award" - financial support in the form of money, property, or services made available by the Council to an eligible recipient through the use of Illinois Motor Vehicle Theft Prevention Trust Funds.

"Award Agreement" - the award contract between the Council and an implementing entity whereby the Council provides financial support to carry out specified programs, services, or activities pursuant to the Act.

"Business Organization" - any business entity or association of business entities duly authorized to conduct business in the State of Illinois.

"Chairman" - the Chairman of the Illinois Motor Vehicle Theft Prevention Council.

"Council" - the Illinois Motor Vehicle Theft Prevention Council.

"Eligible Recipient" - A federal or State agency, unit of local government, corporation, neighborhood, community, or business organization entitled to receive Illinois Motor Vehicle Theft Prevention Trust Funds pursuant to the Act.

"Executive Director" - the Executive Director of the Illinois Criminal Justice Information Authority.

"Expendable Property" - tangible property other than nonexpendable property.

"Grant Review Committee" - the Grant Review Committee of the Illinois Motor Vehicle Theft Prevention Council.

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"Implementing Entity" - the party seeking or designated to receive funds awarded by the Council pursuant to this Part.

"Nonexpendable Property" - tangible property having a useful life of more than one (1) year and an acquisition cost of \$300 or more per unit.

"Property" - property of any kind including real property. It may be tangible (having physical existence) or intangible (having no physical existence, such as patents, inventions, or copyrights).

"Trust Funds" - funds from the Illinois Motor Vehicle Theft Prevention Trust Fund established by the Act.

SUBPART B: AWARD CRITERIA AND PROCEDURES

Section 1810.200 Eligible Recipients

- a) Consistent with the Act, Awards can be made to Federal and State agencies, units of local government, corporations, and neighborhood, community, and business organizations.
- b) To be eligible for an award under the Act, nongovernmental recipients must provide the Council, along with a program proposal, either of the following:
 - 1) Proof of nonprofit status by presenting all of the following, when applicable:
 - A) A reference to the applicant organization's listing in the Internal Revenue Service's most recent list of tax-exempt organizations described in the Internal Revenue Code, Title 26 U.S.C.A. 501(c);
 - B) A copy of a currently valid Internal Revenue Service tax exemption letter;
 - C) A statement from the Illinois Department of Revenue, the Illinois Secretary of State, or the Illinois Attorney General certifying that the applicant organization has a current nonprofit status; and
 - D) A certified copy of the organization's certificate of incorporation filed with the Illinois Secretary of State that clearly establishes nonprofit status, and a copy of the most recent annual report required by the Illinois Attorney General or Secretary of State; or
 - 2) Proof of authorized business activity in the State of Illinois by presenting:
 - A) A certified copy of a certificate of incorporation or other appropriate and necessary authorization to conduct business in Illinois filed with the State of Illinois or a unit of local government;
 - B) A taxpayer identification number; and
 - C) When applicable, a copy of any annual report required by law

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for the most recent year.

- c) The Council may require additional documentation to verify the legitimacy of a nongovernmental recipient. Such documentation may include, but is not limited to:
 - 1) Any brochures or publications explaining the activities of the organization;
 - 2) A copy of the recipient's Articles of Incorporation;
 - 3) A copy of the recipient's By-laws; and
 - 4) A copy of the recipient's Partnership Agreement.

Section 1810.210 Eligible Programs and Activities

The following programs and activities are eligible for funding:

- a) Programs designed to reduce motor vehicle theft or to improve the administration of motor vehicle theft laws;
- b) Programs designed to inform vehicle owners about the financial and social costs of motor vehicle theft and to suggest to those owners methods for preventing motor vehicle theft; and
- c) Programs, plans, activities, strategies, and projects consistent with the purposes of the Act.

Section 1810.220 Award Process

- a) The Council will annually review the eligible purposes for the Trust Funds, and, based upon an analysis of statistical data, empirical material, and the needs and requests of Federal and State agencies, units of local government, corporations and neighborhood, community, or business organizations made pursuant to oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (5 ILCS 120), shall develop and approve a statewide motor vehicle theft prevention strategy.
- b) The statewide strategy shall include:
 - 1) An overview of the motor vehicle theft problem in Illinois including discussions of the nature and extent of the problem, current efforts to address the problem, resource needs, and areas of greatest need within the State; and
 - 2) A description of the strategy for addressing the problem including the identification of eligible program areas.
- c) Consistent with the statewide strategy, the Council shall solicit and negotiate program proposals from eligible recipients.
- d) The Council shall give priority to those eligible recipients with the greatest need. To that end, and based upon the statewide strategy, the following criteria shall be used to identify those eligible recipients with the greatest need:
 - 1) An analysis of demographic, insurance, and appropriate criminal justice data;
 - 2) Comments from the general public, Federal, State, and local officials; and
 - 3) Current research findings.

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- e) The Council shall, at a public meeting, designate programs, implementing entities, and amounts of funding that address one or more of the purposes consistent with the Act and the statewide strategy. The Council's decision to designate these proposed programs, implementing entities, and fund amounts shall be based upon equal consideration of the following factors:
- 1) The recommendations of the Executive Director;
 - 2) Comments from the general public, federal, State and local officials;
 - 3) The proven effectiveness of a similar program, by making a prudent assessment of the problem to be addressed by the proposed program;
 - 4) The likelihood that a proposed program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations, previous tests, or demonstrations;
 - 5) The availability of funds;
 - 6) The overall cost of the proposed program;
 - 7) The implementing entity's ability to effectively and efficiently carry out the program; and
 - 8) The relation of the proposed program to and impact on other agencies, proposals or funded programs.
- f) The Council shall direct the Executive Director to enter into award agreements on behalf of the Council with those implementing entities designated by the Council pursuant to subsection (e) above, specifying the terms and conditions under which the programs, services, or activities are to be conducted and the Trust Funds are to be received.
- g) If the Council or the Authority is the designated implementing entity, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman or the Chairman of the Authority.

Section 1810.230 Award Document

The award document is the award agreement. It provides the basis for Council financial support to the implementing entity. The agreement shall incorporate the program proposal and budget, and, when fully executed, shall formalize the contractual relationship between the Council and implementing entity. The agreement shall also specify the terms and conditions of the award including, but not limited to, reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, the prohibition of subcontracting or assignment of agreements without prior written approval of the Council, and the status of the implementing entity as an independent contractor.

Section 1810.240 Special Conditions

- a) Special conditions shall be imposed by the Council to accomplish the purposes of the Act if the Council has need to impose such conditions

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- in order to fulfill its duties, agreements with other entities, or reasonably deems such to be in the best interests of the people of the State of Illinois.
- b) Special conditions that are imposed at the time of the award will be included in the award agreement.

Section 1810.250 Modification or Amendment of the Award Agreement

- a) Revisions or amendments to an award agreement shall begin on the effective date of the amendment and may be retroactive to a date agreed upon by the implementing entity and the Council.
- b) Except as provided in Section 1810.240 of this Subpart, no alteration, variation, modification, termination, addition to, or attempted waiver of any of the provisions of an award agreement shall be valid or binding unless in writing, dated, and signed by the parties, and attached to the original agreement. The parties shall agree to renegotiate, modify, or amend the award agreement should federal or State law or regulations require alteration of the award agreement.

SUBPART C: APPROVAL FOR PROGRAMMATIC OR BUDGET REVISIONS**Section 1810.300 Requests for Programmatic or Budget Revisions**

- a) Requests for programmatic or budget revisions shall be in writing and addressed to the Executive Director.
- b) Response to the request shall be in writing and signed by the Executive Director or a designee and mailed within two weeks after receipt of the recipient's request.
- c) The Executive Director shall approve any revision to an award agreement if such action is necessary to fulfill the terms of the agreement.
- d) Material revisions shall be reported to the Council members at or before the next Council meeting. However, if a request by an implementing entity for a material revision to an award agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing entity and members of the Council as soon as possible, but no more than seven calendar days after such denial.

SUBPART D: GENERAL PROVISIONS REGARDING AWARDS**Section 1810.400 Non-Supplanting**

Illinois Motor Vehicle Theft Prevention Trust Funds are intended to increase the amount of revenue available to eligible recipients for specified activities. The Trust Funds may not be used to supplant other funds allocated or budgeted for such activities. Every recipient of Trust Funds must maintain a level of financial support for activities exclusive of any Trust Funds and capital expenditures that is equal to or greater than the level existing prior

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to the receipt of the Trust Funds.

Section 1810.410 Personnel Administration

The personnel policies and procedures of an implementing entity shall be set forth in writing and be available for review by the Council. They shall reflect sound and prudent business judgement, and comply with all applicable State and federal laws and regulations.

Section 1810.420 Procurement Standards

All procurement transactions shall be conducted by the implementing entity in a manner to provide, to the maximum extent practicable, open and free competition. Implementing entities may use their own procurement regulations which reflect applicable State and local law, rules, and regulations, provided that all procurements made with Trust Funds minimally adhere to the Illinois State Purchasing Act [30 ILCS 505].

Section 1810.430 Project Income

a) Project Income shall consist of all gross income (including the acquisition of forfeited property and assets) earned by the implementing entity during the award agreement period as a direct result of the award of Trust Funds, regardless of when the income is realized. "Direct result" shall be determined by the Executive Director and means a specific act or set of activities that are directly attributable to Trust Funds and which are directly related to the goals and objectives of the funded project. All project income earned during the award agreement period shall, regardless of when the income is realized, be retained by the implementing entity, and, in accordance with the agreement and with the prior approval of the Council, shall be added to the Trust Funds committed to the project by the Council and implementing entity and be used only to further eligible program goals or objectives.

b) Implementing entities shall account for all project income. Project income shall be reported in the fiscal reports required under Subpart G of this Part.

Section 1810.440 Publicity and Publications

Any publication of the results or accomplishments of any Council-funded activity or program shall clearly state:

- a) the percentage of the total cost of the program or project financed with Trust Funds;
- b) the dollar amount of Trust Funds awarded for the project or program; and
- c) the following or a comparable acknowledgement:
"This project was supported by a grant from the Illinois Motor Vehicle Theft Prevention Council. The opinions and views expressed in this

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report are not necessarily those of the State of Illinois or the Illinois Motor Vehicle Theft Prevention Council."

All implementing entities shall make this statement when issuing press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Trust Funds.

SUBPART E: COST PRINCIPLES

Section 1810.500 Applicable Legal Guidelines

The Council and all implementing entities shall operate in conformance with the following State laws and any rules, regulations and guidelines issued pursuant thereto: the Illinois Motor Vehicle Theft Prevention Act [20 ILCS 4005]; the Illinois Grant Funds Recovery Act [30 ILCS 705]; the Illinois Purchasing Act [30 ILCS 505]; the Drug Free Workplace Act [30 ILCS 505]; and the State Comptroller Act [15 ILCS 405].

Section 1810.510 Trust Fund Disbursements

a) Cash Advances. Implementing entities shall normally be reimbursed for expenses incurred upon submission of a monthly fiscal report. The Council recognizes that in some instances the implementing entity may not possess sufficient resources to support the program described in the award agreement on a reimbursable basis and that individual programs may require substantial start-up costs. Consequently, implementing entities may request a cash advance to cover the initial period of the agreement. Such requests must be in writing to the Executive Director within 30 days prior to the anticipated start date of the funded program and should include the purpose of the proposed expenditure and the reasons necessitating the advance.

b) Expenditure Reimbursements. Disbursement of Trust Funds shall be made on the basis of expenses and obligations reported on a monthly fiscal report. Obligations reported on the Fiscal Report will be disbursed only if the payment is to be liquidated within 30 calendar days after receipt of the State warrant. This report shall be submitted monthly unless otherwise specified in the award agreement. Requests for disbursement of Trust Funds made on fiscal reports that are submitted later than the specified deadline will be paid at the discretion of the Council. Requests for final reimbursement must be received by the Council no later than 45 calendar days after the termination of the agreement.

c) Timing of Disbursement. Implementing entities should anticipate a delay of approximately 4-6 weeks from the submission of the request for disbursement until the receipt of the State warrant. Implementing entities should consider this delay when calculating the disbursement request by projecting which obligations will need to be liquidated upon receipt of the State warrant.

d) Final Disbursement. The final disbursement of Trust Funds shall be

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made on the basis of expenditures reported in the final financial status report. This disbursement shall be made on the basis of total agreement costs and shall not be made until the implementing entity has satisfied any applicable match requirements of the award agreement. Should the implementing entity fail to meet the match required in the agreement, an appropriate adjustment shall be made in the final disbursement.

Section 1810.520 Cash Balances

Implementing entities shall request only the minimum amounts of cash necessary to pay their bills in a timely fashion. The Council reserves the prerogative to adjust cash requests on the basis of reported expenditures and cash balance. If the implementing entity anticipates an inordinate expenditure of implementing entity funds during a particular period, this expense should be explained on the monthly fiscal report.

Section 1810.530 Allowable Costs

Trust Funds may be used for costs which are directly attributable to, necessary for, and essential to, the program as evidenced by the award agreement except for those costs enumerated in Section 1810.540. However, the use of Trust Funds for the following costs requires prior written approval by the Council before such costs shall be deemed allowable:

- a) Expenditures incurred before or after the program period;
- b) Office space rental;
- c) Office equipment purchase or rental costs for desks, chairs, tables, file cabinets, book shelves, typewriters, electronic data processing equipment, or adding machines;
- d) Construction or remodeling costs;
- e) Liens;
- f) Audit costs, pursuant to Section 1810.910;
- g) Buy money.

Section 1810.540 Unallowable Costs

Trust Funds may not be used for the following expenditures:

- a) Liability insurance;
- b) Professional memberships/dues;
- c) First class travel;
- d) Entertainment;
- e) Expenditures in excess of approved budget;
- f) Bad debts;
- g) Fines and penalties;
- h) Contributions and donations;
- i) Premium items and souvenirs;
- j) Lobbying.

Section 1810.550 Indirect Costs

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The Council shall not provide implementing entities funds for the indirect costs of an award agreement. The intent of this policy is to achieve broader and more concentrated application of Trust Funds to direct program costs and funded activities.

SUBPART F: IMPLEMENTING ENTITY RECORD KEEPING

Section 1810.600 Financial Records

All recipients of Trust Funds from the Council must maintain:

- a) Records which fully disclose the total cost of the project for which the Trust Funds were awarded;
- b) Records which fully disclose the disposition of all Trust Funds for the project, including a current property inventory;
- c) Records which fully disclose the amount of money supplied to the project by sources other than the Council; and
- d) Any other records requested by the Council to facilitate an effective audit.

These records shall be the basis for monthly fiscal reports submitted by the recipient of funds to the Council. They shall also be subject to review by Council staff during site visits.

Section 1810.610 Program Records

Every recipient of Trust Funds from the Council must maintain records which document the programmatic activities performed pursuant to the award agreement. These records shall be the basis for monthly program performance reports submitted by the recipient of funds to the Council. They shall also be subject to review by Council staff during site visits.

Section 1810.620 Retention and Access Requirements for Records

All financial and program records, supporting documents and all other books and records pertaining to and required to be maintained by the terms of any Council award shall be maintained and retained by the implementing entity for a period of five years after conclusion or termination of the grant to allow for audit by the Council, the State of Illinois, the federal government, and any person duly authorized by the Council. Records shall be retained beyond the five year period if an audit is in progress or if the findings of a completed audit and if any claim, litigation or other action begun before the expiration of the five year period have not been resolved satisfactorily. If any of these preceding conditions occurs, then the records shall be retained until the audit is completed or the matters at issue are resolved.

SUBPART G: IMPLEMENTING ENTITY REPORTING REQUIREMENTS

Section 1810.700 Fiscal Reports

Implementing entities shall submit monthly fiscal reports to the Council.

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detailing program expenditures in a form and manner required by the Council.

Section 1810.710 Program Performance Reports

Implementing entities shall submit monthly performance reports to the Council detailing achievement relative to the performance measures contained in the award document in a form and manner required by the Council.

Section 1810.720 Due Dates of Reports

Monthly fiscal reports and program performance reports are due on or before the (15th) fifteenth of the following month.

Section 1810.730 Final Program Report

Upon termination of the award agreement, the implementing entity shall submit to the Council, within 60 days and in the form and manner required by the Council, a final program report consisting of the following:

- a) Final financial status report;
- b) Final program performance report;
- c) Property inventory report; and
- d) Any other information or documentation pursuant to terms or special conditions specified in the award agreement or as otherwise required by the Council.

SUBPART H: PROPERTY MANAGEMENT**Section 1810.800 Requirements for Use and Disposition of Property**

- a) Property acquired by an implementing entity wholly or in part with Trust Funds shall, consistent with the law and subject to the Council's approval, be used and managed to ensure that the property is used for purposes consistent with the Act. Title to the property will not be taken by the Council, but shall be vested in the implementing entity subject to the following restrictions on use and disposition of the property:

- 1) Use by an Implementing Entity. The implementing entity shall retain and use the property acquired with Trust Funds as long as there is a need for the property to accomplish the purpose of the program, whether or not the program continues to be supported by Trust Funds.
- 2) Disposition by a State Implementing Entity. If it is determined that a need still exists but the property originally acquired by a State agency to accomplish the purpose of the program is no longer capable of fulfilling this need or is no longer needed to accomplish the purpose of the program and must be sold, traded in or replaced, the State agency must notify the Council in writing of its proposed plans to dispose of the property 30 calendar days prior to selling, trading-in or replacing the property in

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conformance with requirements of the State Property Control Act [30 ILCS 605] and rules issued pursuant thereto. Replacement property shall be used to further purposes of the program. The Executive Director on behalf of the Council shall, upon receiving notice of the proposed disposition plans, inform the Director of the Department of Central Management Services as to the need for the property to accomplish the purpose of the program or the Act by another implementing entity and make appropriate recommendations as to the disposition of the property.

- 3) Disposition by an Implementing Entity other than a State Agency.
 - A) If it is determined that a need still exists but the property originally acquired by an implementing entity other than a State agency to accomplish the purpose of the program is no longer capable of fulfilling this need and must be traded-in or replaced, the implementing entity other than a State agency may use the property as a trade-in or may sell the property and use the proceeds to offset the cost of replacing the property, provided, for property with a value in excess of \$1000, it notifies the Council in writing of its proposed plans to dispose of the property 30 calendar days prior to selling, trading-in or replacing the property and obtains the approval of the Executive Director on behalf of the Council. Replacement property shall be used to further purposes of the program.
 - B) When an implementing entity other than a State agency no longer needs the property to accomplish the purpose of the program, and the value of the property exceeds \$1000, it shall notify the Council and request disposition instructions. The Council reserves the right to make a final determination whether the property is needed to accomplish the purpose of the program and to take possession and control of the property or to transfer or assign the property to any other implementing entity that has a need or use for the property.
 - C) If, at the expiration of the need for funded purposes, the total inventory of any unused expendable personal property exceeds \$500 in value, the implementing entity other than a State agency may, with the approval of the Executive Director, retain the property or sell the property as long as the implementing entity compensates the Council for its share of the cost. However, if the value of the property is less than \$500, the implementing entity other than a State agency may sell or dispose of the property in accordance with its own procedures without compensating the Council, provided it notifies the Council within seven calendar days of the transaction.
- b) Property records shall include a current property inventory report which is updated as property is acquired or disposed of. Property records shall be maintained accurately and provide for: a description

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of the property; manufacturers serial number or other identification number; acquisition date and cost; source of property; percentage of Trust Funds used in the purchase of property; location, use, and condition of the property; and ultimate disposition information.

- c) The property inventory report shall be updated by the implementing entity as property is acquired and maintained accordingly. In addition, a complete physical inventory of property shall be taken and the results reconciled with the property records at least annually to verify existence, current use, and continued need for the property.
- d) The implementing entity shall employ a property control system to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented. Any loss, damage, or theft of items purchased with Trust Funds in excess of \$500 shall be reported to the Executive Director within seven calendar days after the loss, damage, or theft.
- e) The implementing entity shall employ adequate maintenance procedures to keep the property in good condition.
- f) If the implementing entity is authorized or required by the Council to sell the property, proper sale procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.
- g) Specific standards for control of intangible property are provided as follows:
 - 1) If any program produces processes or inventions that could result in patents or patent rights, in the course of work aided by a Council-funded program, such fact shall be promptly and fully reported to the Executive Director, who shall determine whether protection of such invention or discovery shall be sought and how the rights in the invention or discovery (including rights under any patent issued thereon) shall be allocated and administered in order to protect the public interest.
 - 2) Where the award agreement results in a book or other material which could be copyrighted, the author or implementing entity is free to copyright the work, but the Council reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes.
- h) Records for property acquired with Trust Funds shall be retained for five years after the final disposition of the property.

SUBPART I: MONITORING PROGRAM PERFORMANCE

Section 1810.900 Site Visits

Council staff shall be responsible for monitoring program performance. Site visits of each funded program will be conducted on at least an annual basis. Site visits shall, at a minimum, include examinations of financial and program records.

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Section 1810.910 Audits

Implementing entities shall be responsible for the performance of an independent audit of the fiscal policies, procedures, and practices employed in connection with the awarded program. With the prior written approval of the Council, awarded funds may be used by the implementing entity for this purpose.

SUBPART J: SUSPENSION AND TERMINATION

Section 1810.1000 Suspension

Notwithstanding Section 1810.1010 below, the Executive Director shall suspend performance of any award agreement for a period not to exceed 28 calendar days when there has been a determination of noncompliance with any State or federal statute, rule or regulation, or with guidelines specified in the award agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the noncompliance is corrected within 28 calendar days from the date of suspension. However, notwithstanding Section 1810.1010 below, an award agreement, for which performance has been suspended, shall be terminated by the Executive Director if performance of the award agreement is not reinstated within 28 calendar days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing entity and members of the Council as soon as possible, but within seven calendar days.

Section 1810.1010 Extension

Upon the request of an implementing entity, the Executive Director shall extend the length of time performance of an award agreement may be suspended beyond 28 calendar days for an additional period not to exceed 14 calendar days, if the noncompliance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Such an extension shall be granted by the Executive Director only with the consent of the Chairman of the Council. Since an extension granted by the Executive Director pursuant to this subsection is initiated by the implementing entity, it shall not be deemed an adverse action under these rules. However, an award agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the award agreement has not been reinstated by the Executive Director before the extension period has expired. Such termination may then be appealed as provided in this part. Written notice of all such actions by the Executive Director shall be submitted to the implementing entity and members of the Council as soon as possible, but within seven calendar days.

Section 1810.1020 Termination

The Executive Director shall immediately terminate any award agreement for any reason of noncompliance specified in Section 1810.1000 above, if performance of

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the agreement has been suspended on at least one prior occasion or if such noncompliance cannot be corrected by the implementing entity within 28 calendar days from the date of suspension. Written notice of such termination by the Executive Director shall be submitted to the implementing entity and members of the Council as soon as possible, but within seven calendar days.

SUBPART K: APPEALS

Section 1810.1100 Applicable Legal Guidelines

The appeals procedures of the Council shall be subject to the provisions of Article 10 of the Illinois Administrative Procedure Act (5 ILCS 100/Art. 10).

Section 1810.1110 Appeal Procedures

- a) An implementing entity may appeal any adverse action by writing to the Council within 14 calendar days from the date the notice of the adverse action is mailed to the implementing entity. This written appeal shall contain specific reasons stating why the action taken by the Executive Director should be modified and the action requested of the Council, and shall be signed and dated by the implementing entity's authorized official.
- b) If no timely appeal is taken from an adverse action, such action of the Executive Director will be deemed the final action of the Council, and Council members shall be notified by telephone, mail, or equivalent written means within seven calendar days of the action of the Executive Director or before the next Council meeting, whichever is sooner.
- c) When an appeal is timely filed, the Chairman of the Council shall arrange for the Council to hear and decide the appeal within 49 calendar days after the receipt of the written appeal. The implementing entity shall have the right to appear before the Council and to present oral or written testimony, to be represented at the hearing by counsel, and shall be notified of the hearing date at least seven calendar days prior to the hearing.
- d) At the hearing, the Council shall consider the written appeal to the adverse action submitted pursuant to subsection (b) above, any written or oral response to that appeal by Council staff, and any testimony given by the implementing entity or Council staff to questions posed by Council members.
- e) The Council shall render a decision on the appeal before adjourning the hearing.

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Trust Fund Collection Rules
- 2) Code Citation: 20 Ill. Adm. Code 1800
- 3) Section Numbers:
1800.10 New Section
1800.20 New Section
1800.30 New Section
1800.40 New Section
- 4) Statutory Authority: 20 ILCS 4005/1 et seq.
- 5) Effective Date of Rules: **MAR 14 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in Agency's principal office: March 9, 1994
- 9) Date Notice of Proposed Rule Published in Register: December 3, 1993; 17 Ill. Reg. 20539
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposed and final version: Minor non-substantive changes were made pursuant to comments from the Administrative Code Division and JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this part? No
- 15) Summary and Purpose of Rules: These rules establish procedures for the collection of money due from insurers of private passenger motor vehicles to be deposited in the Motor Vehicle Theft Prevention Trust Fund each calendar year.
- 16) Information and questions regarding these adopted rules shall be directed to:

Gerard Ranker, Program Director
Illinois Motor Vehicle Theft Prevention Council
c/o Illinois Criminal Justice Information Authority
120 S. Riverside Plaza
Chicago, IL 60606-3997
(312/793-8550)

The full text of the Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER VI: ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

PART 1800

TRUST FUND COLLECTION RULES

Section

- 1800.10 Purpose and Authorization
- 1800.20 Definitions
- 1800.30 Collection Process
- 1800.40 Public Inquiries

AUTHORITY: Implementing and authorized by the Illinois Motor Vehicle Theft Prevention Act [20 ILCS 4005].

SOURCE: Emergency Rules adopted at 15 Ill. Reg. 8706, effective May 30, 1991, for a maximum of 150 days; emergency expired October 27, 1991; new rules adopted at 18 Ill. Reg. _____, effective **MAR 14 1994**.

Section 1800.10 Purpose and Authorization

These rules establish procedures for the collection of money due from insurers of private passenger motor vehicles for each calendar year to be deposited in the Motor Vehicle Theft Prevention Trust Fund as authorized by the Illinois Motor Vehicle Theft Prevention Act [20 ILCS 4005] (the Act).

Section 1800.20 Definitions

"The Act" - The term "the Act" means the Illinois Motor Vehicle Theft Prevention Act [20 ILCS 4005].

"Authority" - The term "Authority" means the Illinois Criminal Justice Information Authority.

"Council" - The term "Council" means the Illinois Motor Vehicle Theft Prevention Council.

"Department" - The term "Department" means the Illinois Department of Insurance.

"Earned car year" - The term "earned car year" means the proportion of a calendar year during which a private passenger motor vehicle can be identified as being insured for physical damage insurance coverage.

"Physical damage insurance coverage" - The term "physical damage insurance coverage" means motor vehicle insurance provided for theft and/or comprehensive coverage.

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"Private passenger motor vehicle" - The term "private passenger motor vehicle" includes any private passenger car, station wagon, jeep, or pickup truck with a load capacity of 1,500 pounds or less not used principally for business purposes, and small farm trucks.

This term includes, but is not limited to, jeeps, pick-up trucks, mini-vans, vans and conversion vans.

The term excludes uninsured motor vehicles, motorcycles, motor homes, motor scooters, golf carts, off-road recreational vehicles, all terrain vehicles, off highway motorcycles, street cars and special mobile equipment as defined under Chapter 1 of the Illinois Vehicle Code [625 ILCS 5/Ch.1].

"Total earned car years" - The term "total earned car years" is the sum of an insurer's earned car years of exposure for the calendar year, rounded to the nearest whole dollar. By way of examples, for purposes of calculating the amount to be remitted by insurers to the Council, a private passenger motor vehicle insured for physical damage insurance coverage for three (3) months during a calendar year would constitute 0.25 total earned car years and would be assessed \$.25 (\$1.00 x .25); and four (4) private passenger motor vehicles insured for six (6) months each during the calendar year would constitute the sum of two (2) total earned car years and would be assessed a fee of \$2.00.

Section 1800.30 Collection Process

Money to be deposited by the Council into the Motor Vehicle Theft Prevention Trust Fund shall be collected from insurers by the Council in the following manner:

- a) By March 1 of each calendar year, the Council shall send correspondence to all insurers authorized to write private passenger motor vehicle physical damage insurance coverages which are included in Class 2 and Class 3 as defined by Section 4 of the Illinois Insurance Code [215 ILCS 5/4] during the preceding calendar year. The names and addresses of such insurers shall be identified by the Department and shall be provided to the Council by February 1 of each calendar year.
- b) The correspondence will advise these insurers that, pursuant to the Act, they are required to submit to the Council by April 1 of the appropriate year an amount equal to \$1.00 multiplied by the insurer's total earned car years of private passenger motor vehicle insurance policies providing physical damage insurance coverage, as defined herein, written in the State during the preceding calendar year.
- c) The correspondence shall include a worksheet which shall be returned with the correct remittance, if applicable. If an insurer owes no money pursuant to the Act, that fact must be noted on the worksheet returned to the Council. Such worksheet shall require the insurer to report the following information: insurer company's name, address, phone number and Federal taxpayer identification number; total earned

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car years of exposure for the preceding calendar year; the total fee due; the name, title and phone number of the person completing the worksheet; the person's signature; and the date.

- d) Any remittance due shall be returned to the Council by April 1 of the appropriate year and shall be in the form of a certified or corporate check made payable to: "TREASURER, STATE OF ILLINOIS". The remittance shall be sent to:

Illinois Motor Vehicle Theft Prevention Council
c/o Illinois Criminal Justice Information Authority
120 South Riverside Plaza, Suite 1016
Chicago, Illinois 60606-3997

Attention: Chief Fiscal Officer

- e) Upon receipt by the Council of the remittance due, the money shall be deposited into the Illinois Motor Vehicle Theft Prevention Trust Fund.
f) On or before April 15 of each year, the Council shall provide the Department with a report indicating the insurers that returned the worksheet required in Section 1800.30 on time (April 1); the amount of funds, if any, contributed; and the insurers that did not return the worksheet or that returned the worksheet late.

Section 1800.40 Public Inquiries

All inquiries pertaining to the collection process should be directed to:

Program Director
Illinois Motor Vehicle Theft Prevention Council
c/o Illinois Criminal Justice Information Authority
120 South Riverside Plaza, Suite 1016
Chicago, Illinois 60606-3997
(312) 793-8550
TDD: (312) 793-4170

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- | | |
|--------------------------------|---|
| 1) <u>Heading of the Part:</u> | The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 |
| 2) <u>Code Citation:</u> | 68 Ill. Adm. Code 1175 |
| 3) <u>Section Numbers:</u> | <u>Adopted Action:</u> |
| 1175.100 | Amendment |
| 1175.1000 | New Section |
| 1175.1001 | New Section |
| 1175.1005 | New Section |
| 1175.1010 | New Section |
| 1175.1015 | New Section |
| 1175.1020 | New Section |
| 1175.1025 | New Section |
| 1175.1030 | New Section |
| 1175.1035 | New Section |
| 1175.1100 | New Section |
| 1175.1105 | New Section |
| 1175.1110 | New Section |
| 1175.1115 | New Section |
| 1175.1120 | New Section |
| 1175.1125 | New Section |
| 1175.1130 | New Section |
| 1175.1135 | New Section |
| 1175.1140 | New Section |
| 1175.1145 | New Section |
| 1175.1150 | New Section |
| 1175.1155 | New Section |
| 1175.1160 | New Section |
| 1175.1165 | New Section |
| 1175.1170 | New Section |
| 1175.1175 | New Section |
| 1175.1200 | New Section |
| 1175.1205 | New Section |
| 1175.1210 | New Section |
| 1175.1215 | New Section |

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 1703C-1 through 9 and 1704-5 [225 ILCS 410/3C-1 through 9 and 4-5].

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 5) Effective Date of Amendments: MAR 14 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 28, 1994
- 9) Date Notice of Proposal Published in Illinois Register: November 29, 1993, at 17 Ill. Reg. 20217.
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:
In Section 1175.1110(c)(10), "except seeing eye dogs" was changed to "except seeing eye/hearing dogs".
The only other changes involved punctuation, spelling and style.
- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes, but no agreement letter with ICAR was required since there were no substantive changes.
- 13) Will these Amendments replace an Emergency Amendment currently in effect?
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

This rulemaking implements Article 3C of the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985, which provides for the licensure of nail technicians.

The fee section of the rules is amended to establish the same nail technology fees that are in effect for other professions licensed under the Act. This includes a \$25 application fee for nail technicians and nail technology teachers. Renewal fees are calculated at the rate of \$20 per year. The fee for a certificate of registration as a nail technology school is \$50 plus the cost of inspection (\$50). A nail technology school may renew a certificate at the rate of \$100 per year.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

For those who meet the qualifications set forth in the Act, there is a grandfather section in the rules that sets forth how pre-existing practitioners can obtain certificates of registration as nail technicians or nail technology teachers. The grandfather period ends December 31, 1994.

Eligibility requirements to take the nail technician or nail technology teacher examinations are set forth, including how and when to file applications. A passing score of 75 is established for each examination. Provisions for retaking examinations also are detailed.

Steps to take in applying for licensure after successfully completing the examination are listed. This section also establishes that nothing in these rules requires a licensed cosmetologist or licensed cosmetology teacher to obtain a license to practice or to teach nail technology.

Provisions are made for licensure of applicants currently licensed in another jurisdiction who seek to work in Illinois as nail technicians or nail technology teachers.

The renewals section establishes that the first license renewal period shall be October 31, 1996. For the October 31, 1998, renewal, each individual who applies for renewal of a nail technician license, other than first time renewal applicants, shall be required to complete 10 hours of continuing education. Other details on continuing education are provided, including circumstances under which a waiver of continuing education requirements may be granted.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1175
 THE BARBER, COSMETOLOGY, ESTHETICS,
 AND NAIL TECHNOLOGY ACT OF 1985

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 COSMETOLOGY TEACHER

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1175.700	Examination - Esthetics
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SUBPART H: ESTHETICS SCHOOLS

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NAIL TECHNICIAN/NAIL TECHNOLOGY TEACHER

Section

1175.1200

Sponsor Approval

1175.1205

Department Supervision

1175.1210

Credit Hours

1175.1215

Waiver of Continuing Education Requirements

AUTHORITY: Implementing the Barber, Cosmetology, Esthetics and Nail Technology Act of 1985 (Ill. Rev. Stat. 1991, ch. 111, pars. 1701-1 through 1704-22) [225 ILCS 410] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7) [20 ILCS 2105/60(7)]).

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 20, 1990; amended at 16 Ill. Reg. 13276, effective August 18, 1992; amended at 18 Ill. Reg. _____, effective MAR 14 1994.

SUBPART A: GENERAL

Section 1175.100 Fees

- a) Certificate of Registration ("Certificate") as a Registered Cosmetologist, Barber, Esthetician, Nail Technician, Cosmetology Teacher, Barber Teacher, ~~or~~ Esthetics Teacher or Nail Technology Teacher.

- 1) Certificate of Registration. The fee for application for a certificate of registration is \$25.

- 2) Examination applicants for any examination shall be required to pay, either to the Department of Professional Regulation (the "Department") or to the designated testing service, a fee covering the cost of providing the examination.

- 3) Renewal. The fee for renewal of a certificate of registration shall be calculated at the rate of \$20 per year.

- 4) Restoration. The fee for restoration ~~for~~ of a certificate of registration

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is \$10 plus payment of all lapsed renewal fees, but not to exceed \$110.

5) The fee for restoration of a cosmetologist certificate of registration from inactive status is the current renewal fee.

- 6) Endorsement. The fee for a certificate of registration for a cosmetologist, barber, esthetician, nail technician, cosmetology teacher, barber teacher, ~~or~~ esthetics teacher or nail technology teacher licensed under the laws of another jurisdiction is \$35.

- b) Certificate as a Registered Cosmetology School, Barber School, ~~or~~ Esthetics School or Nail Technology School

- 1) Certificate of Registration. The fee for a certificate of registration is \$50 plus the cost ~~to provide the~~ of inspection (\$50).

- 2) Change of Ownership. The fee for a certificate resulting from a change of ownership is \$50 plus the cost ~~to provide the~~ of inspection (\$50).

- 3) Change of Location. The fee for a certificate resulting from a change of location is \$50 plus the cost ~~to provide the~~ of inspection (\$50).

- 4) Change of Name. The fee for a certificate resulting from a change of name is \$20.

- 5) Renewal. The fee for renewal of a certificate of registration shall be calculated at \$100 per year.

c) General Fees

- 1) Duplicate/Replacement. The fee for the issuance of a duplicate or replacement certificate is \$20.

- 2) Change of Name or Address. The fee for issuance of a certificate with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no certificate is issued.

- 3) Certification of Record. The fee for certification of a registrant's record for any purpose is \$20.

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- 4) Wall Certificate. The fee for a wall certificate showing registration is the actual cost of producing such a certificate.
- 5) The fee for a roster of persons registered as cosmetologists, cosmetology teachers, barbers barber teachers, estheticians, esthetics teachers, nail technicians, nail technology teachers, cosmetology schools, esthetics schools, nail technology schools and barber schools is the actual cost of producing such a roster.
- 6) The fee to place a cosmetology license on inactive status, other than during renewal, is \$20.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

SUBPART I: NAIL TECHNOLOGY

Section 1175.1000 Application for Licensure under Sections 3C-4 and 3C-5 of the Act (Grandfather)

Any person seeking a certificate of registration as a nail technician under Section 3C-4 or as a nail technology teacher under Section 3C-5 of the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall be postmarked no later than midnight December 31, 1994, and shall include the following:

- a) For Nail Technician
 - 1) Verification, on forms provided by the Department, of one year of full-time practical experience or 2 years of part-time practical experience as a nail technician prior to January 1, 1994; or certification of 200 hours of nail technology education from a school of cosmetology approved in accordance with Section 1175.1105 or a vocational technical school;
 - A) Full-time experience, for purposes of this Section, is 40 hours or more per week, and part-time experience is not less than 20 hours per week.
 - B) Practical experience as a nail technician, for purposes of this

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Section, is gained when for compensation a person manicures, pedicures, decorates, applies artificial nails, or in any way cares for the nails of another person for other than therapeutic purposes.

- 2) An affidavit, on forms supplied by the Department, signed by an employer, co-worker or client, stating the applicant's nail technology practical work experience (sales experience does not count as practical work experience); or, where applicable, a copy of a current business license;
- 3) Certification of graduation from eighth grade elementary school or its equivalent;
- 4) A complete work history; and
- 5) The required fee set forth in Section 3C-4(a)(1) of the Act.
- 6) If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

b) For Nail Technology Teacher

- 1) An affidavit, on forms provided by the Department, signed by an employer or a co-worker, of 2 years of practical experience prior to January 1, 1994, as a nail technology teacher for a school of cosmetology approved in accordance with Section 1175.1105 or a vocational technical school, professional association or nail salon operated by or through a manufacturer of chemicals, apparatus or appliances used in nail technology;
- 2) Successful completion of the nail technology teacher examination set forth in Section 1175.1010.
- 3) A certificate of competency in the use of chemicals, apparatus and appliances used in the practice of nail technology. Such certificate shall be from a school of cosmetology, vocational technical school, professional association or nail salon operated by or through a manufacturer of such chemicals, apparatus or appliances used in nail

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technology;

- 4) Certification of graduation from high school or its equivalent;
- 5) A complete work history; and
- 6) The required fee set forth in Section 3C-5(a)(1) of the Act;
- 7) If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1001 Examination - Nail Technician

- a) Eligibility. Each applicant must meet the following requirements:

- 1) Is at least 16 years of age;
- 2) Pursuant to Section 3C-2 of the Act:
 - A) Has graduated from an eighth grade elementary school or its equivalent; and
 - B) Has graduated from a cosmetology or nail technology school approved by the Department to teach nail technology in accordance with Subpart K of this Part, which includes 350 hours in the study of nail technology extending over a period of not less than 13 weeks nor more than 2 years;

- b) Application. Each applicant shall file an application for examination, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:

- 1) An official transcript showing successful completion of the required training outlined in subsection (a)(2)(B) above and a passing grade on the final examination administered by the school as set forth in Section 1185.1145; or, for those retaking the Department examination after two unsuccessful attempts, official transcripts showing successful

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completion of remedial training (60 hour refresher course) as required by Section 3C-7 of the Act;

- 2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order);
- 3) A complete work history since graduation from a nail technology school or a cosmetology school approved to teach nail technology; and
- 4) The required fee pursuant to Section 1175.100(a)(2).

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1005 Examination - Nail Technology Teacher

- a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3C-3 of the Act prior to filing an application for the nail technology teacher examination:

- 1) Is at least 18 years of age;
- 2) Has graduated from high school or its equivalent;
- 3) Holds a current certificate of registration as a registered cosmetologist or nail technician;
- 4) Either:
 - A) Has completed 500 hours of teacher training in an approved cosmetology or nail technology school with at least 150 hours in advanced nail technology training and has had at least 2 years of full-time experience as a practicing nail technician; or
 - B) Has completed 1,000 hours of teacher training in a school of cosmetology approved in accordance with Section 1175.1105 or school of nail technology approved in accordance with Section 1175.1100.

- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to the examination date. The

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application shall include:

- 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order);
- 2) The required fee pursuant to Section 175.100(a)(2);
- 3) Either:
 - A) An official transcript from an approved school of nail technology or cosmetology showing successful completion of 500 hours of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician; or
 - B) An official transcript from an approved school of nail technology or cosmetology, showing successful completion of 1,000 hours of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part.
- 4) A complete work history since graduation from a nail technology or cosmetology school; and
- 5) A copy of the applicant's current Illinois nail technology or cosmetology license.
- 6) If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)Section 1175.1010 Examination

- a) A separate examination shall be administered by the Department or its designated testing service for nail technicians and nail technology teachers and shall cover subject matter as set forth in Section 3C-7 of the Act.
- b) The passing score on each examination is 75.

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c) Retakes for Nail Technicians

- 1) An applicant who fails to pass a second examination must submit an official transcript from a cosmetology school approved by the Department technology or a nail technology school approved by the Department showing successful completion of a 60 hour refresher course prior to taking the examination a third time.
- 2) An applicant upon failing the fifth examination must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire course of nail technology training prior to taking the examination a sixth time.
- 3) For purposes of examination retakes, the sixth attempt shall count as the first.
- 4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2) above.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)Section 1175.1015 Application for Licensure

- a) Applicants for licensure based on successful completion of the examination shall submit to the Department:
 - 1) A completed and signed licensure application which the applicant will receive with the notification of successful completion of the examination;
 - 2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and
 - 3) The required fee as set forth in Section 1175.100(a)(2).
- b) Cosmetology teachers licensed in Illinois who are applying for a nail

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technology teacher's license shall not be required to take the examination set forth in Section 1175.1005. An application shall be submitted to the Department which includes:

- 1) A copy of their current cosmetology and cosmetology teacher license;
- 2) A complete work history since completion of teacher training; and
- 3) The required fee.

c) Nothing in this Part requires a licensed cosmetologist or licensed cosmetology teacher to obtain a license to practice or to teach nail technology.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994.)

Section 1175.1020 Endorsement

a) An applicant currently licensed as a nail technician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

- 1) A certification from the jurisdiction of original licensure stating:
 - A) The number of nail technology training hours received;
 - B) A brief description of any licensure examination taken and the scores received; and
 - C) Whether the applicant's file contains any record of disciplinary actions taken or pending.

2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed.

3) Certification of current licensure if other than original licensure.

4) A complete work history showing all employment since graduation from nail technology school to present;

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5) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;

6) The required fee set forth in Section 1175.100(a)(6); and

7) A copy of the licensing act applicable on the date of original licensure showing requirements for licensure if requested by the Department in the application review. The Department shall make such a request if the application materials are incomplete.

b) An applicant currently licensed as a nail technology teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

- 1) A certification from the jurisdiction of original licensure stating:
 - A) The number of nail technology teacher training hours received;
 - B) A brief description of any licensure examination taken and the scores received; and
 - C) Whether the applicant's file contains any record of disciplinary action taken or pending.

2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed;

3) Certification of current licensure if other than original licensure;

4) Two Verification of Employment forms shall be submitted by the applicant who completed at least 500 hours of teacher training but less than 1,000 hours. A nail technology teacher applicant shall cause verification of 2 years of lawful practice as a nail technician to be submitted.

5) A complete work history showing all employment since graduation from basic nail technology school to present;

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- 6) Proof of name change (i.e., marriage license, divorce decree, affidavit, or court order) if name is other than that shown on any of the documents submitted;
- 7) A copy of the applicant's current Illinois nail technology or cosmetologist license;
- 8) The required fee set forth in Section 1175.100(a)(6); and
- 9) A copy of the licensing act applicable on the date of original licensure showing requirements for licensure if requested by the Department in the application review. The Department shall make such a request if the application materials are incomplete.
- c) An applicant for licensure as a nail technician who is licensed in another jurisdiction shall be given 75 hours of educational credit for every 12 month period during which he/she was lawfully employed as a nail technician. To obtain credit for work experience, the applicant shall submit verification of employment in support of the work experience on forms provided by the Department. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.
- d) An applicant applying for licensure as a nail technician or nail technology teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.1010(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.
- (Source: Added at 18 Ill. Reg. _____, effective _____ MAR 14 1994)

Section 1175.1025 Renewals

- a) The first renewal period for registration issued under Article 3(C) of the Act shall be October 31, 1996. Every nail technician, nail technology teacher and nail technology school license shall expire on October 31 of each even numbered year.

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- b) The holder of a certificate of registration may renew that certificate during the month preceding its expiration date.
- c) Applicants for renewal as nail technicians shall:
- 1) Return a completed renewal application.
 - 2) Certify on the renewal application that they have successfully completed a minimum of 10 hours of continuing education from a nail technology continuing education sponsor approved by the Department in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license.
- A) For the October 31, 1998 renewal, each individual who applies for renewal of a nail technician license, other than first time renewal applicants, shall be required to complete 10 hours of continuing education in accordance with Subpart L.
- B) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license.
- C) The Department may require additional evidence demonstrating compliance with the CE requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.
- D) Nail technicians who also hold a nail technology teacher license may elect to obtain their continuing education hours from a nail technology teacher continuing education sponsor approved by the Department in accordance with Section 1175.1200 of this Part. These hours, if applied toward the fulfillment of subsection (b)(2)(A) above, cannot also be used toward the fulfillment of the nail technology teacher continuing education requirement. In addition, the hours must be earned during the appropriate prerenewal period.
- 3) Submit the required fee set forth in Section 1175.100(a)(3).

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d) Applicants for renewal as nail technology teachers shall:

- 1) Return a completed renewal application.
- 2) Certify on the renewal application to successful completion of a minimum of 10 hours of continuing education from a nail technology teacher continuing education sponsor approved by the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license.

A) For the October 31, 1998 renewal, each individual who applies for renewal of his/her nail technology teacher license, other than first time renewal applicants, shall be required to complete 10 hours of continuing education in accordance with Subpart L.

B) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license.

C) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

- 3) Submit the required fee set forth in Section 1175.100(a)(3).

e) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.

f) Practicing or operating on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Added at 18 Ill. Reg. _____ effective _____) **MAR 14 1994**

Section 1175.1030 Restoration - Nail Technician

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a) A person applying for restoration of a nail technician license which has been expired for less than 5 years shall submit an application on forms provided by the Department; and

- 1) Pay the required fee as set forth in Section 1175.100(a)(4); and
- 2) Provide evidence of successful completion of 10 hours of continuing education in accordance with Section 1175.1200(c).

b) A person applying for restoration of a nail technician license which has been expired for 5 years or more shall submit an application on forms provided by the Department along with:

- 1) Verification of employment, attesting to lawful practice in another jurisdiction within the 5 years preceding application for restoration;
- 2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed. An applicant for restoration who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 60 hour nail technology refresher course from an approved cosmetology or nail technology school. An applicant who completes this refresher course shall not also be required to complete 10 hours of continuing education;

3) A complete work history showing all employment since the Illinois license lapsed;

4) A completed Restoration Questionnaire;

5) Evidence of successful completion of 10 hours of continuing education earned within the 2 years immediately preceding restoration; and

6) The required fee as set forth in Section 1175.100(a)(4).

c) If restoring after active military service, the applicant shall submit a copy of his/her Honorable Discharge form (DD-214) and the current renewal fee.

(Source: Added at 18 Ill. Reg. _____ effective _____) **MAR 14 1994**

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his/her Honorable Discharge form (DD-214) and the current renewal fee.

(Source: Added at 18 Ill Reg. _____, effective MAR 14 1994)

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section 1175.1100 Nail Technology School Application

a) An applicant for a nail technology school license shall submit a completed application to the Department with the following information and documentation:

- 1) A detailed floor plan consistent with requirements of Section 1175.1110(a)(1) of this Part;
- 2) A copy of a lease showing at least one year commitment to the use of the school site or certification of ownership of the proposed school site;
- 3) If the owner is a corporation, a copy of the Articles of Incorporation;
- 4) If the owner is a partnership, a listing of all partners and their current addresses;
- 5) A signed fire inspection report giving approval for use of the site as a school;
- 6) A completed financial statement of assets, liabilities and net worth showing the owner's ability to operate the school for at least 3 months as evidenced by the owner's signature certifying the information is true;
- 7) A copy of the official student contract to be used by the school which shall be consistent with the requirements of Section 1175.1115 of this Part;
- 8) A listing of all nail technology and cosmetology teachers, including their teacher license numbers, who will be in the school's employ.
- 9) A copy of the curriculum that will be followed;

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Section 1175.1035 Restoration - Nail Technology Teacher

a) A person applying for restoration of a nail technology teacher license which has been expired for less than 5 years shall submit an application on forms provided by the Department; and

- 1) Pay the required fee as set forth in Section 1175.100(a)(4) of the Act; and
- 2) Provide evidence of successful completion of 10 hours of continuing education in accordance with Section 1175.1200(d).

b) A person applying for restoration of a nail technology teacher license which has been expired for 5 years or more shall submit an application on forms provided by the Department along with:

- 1) Verification of employment, attesting to lawful nail technology teaching practice in another jurisdiction within the 5 years preceding application for restoration;
 - 2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed. An applicant for restoration who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 250 hour nail technology teacher refresher course from an approved cosmetology or nail technology school. An applicant who completes this refresher course shall not also be required to complete 10 hours of continuing education;
 - 3) A complete work history showing all employment since the Illinois license lapsed;
 - 4) A completed Restoration Questionnaire;
 - 5) Evidence of successful completion of 10 hours of continuing education earned within the 2 years immediately preceding restoration; and
 - 6) The required fee as set forth in Section 1175.100(a)(4).
- c) If restoring after active military service, the applicant shall submit a copy of

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- 10) A copy of the school's official transcript; and
- 11) The required fee.

b) When the above items have been received, the Department shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not begin nor shall the school in any way solicit student enrollment until the school has received written notice of approval from the Department. Approval shall be granted if all the requirements of Subpart K have been met.

c) Nail technology schools shall only offer instruction in nail technology and nail technology teacher education.

(Source: Added at 18 Ill. Reg. _____, effective _____) MAR 1 4 1994

Section 1175.1105 Cosmetology Schools Approved to Teach Nail Technology

a) Existing cosmetology schools that wish to provide nail technology instruction shall:

- 1) Provide 200 square feet of space to accommodate five work stations. For enrollment over 10, the school must provide an additional 40 square feet which includes a work station and patron chair. The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in this Part.

2) File an application with the Department, on forms provided by the Department, which shall include:

- A) A detailed floor plan;
- B) A signed copy of a fire inspection report giving approval for use of the site as a school;
- C) A completed financial statement of assets, liabilities and net worth showing the owner's ability to operate the school for at least 3 months as evidenced by the owner's signature certifying the information is true;

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- D) A copy of the student's contract to be used by the school;
- E) A copy of the nail technology curriculum;
- F) A listing of all nail technology and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;
- G) A copy of the school's official transcript; and
- H) The required fee.

3) When the above items have been received, the Department shall inspect the school premises, prior to approving the school, to determine compliance.

4) In addition, the school shall meet the following:

- A) One patron work station, including patron chair, manicuring table and student chair, for every 2 students enrolled.
- B) Every work station shall have a disinfectant tray and disinfectant solution.
- C) Provide a nail technology curriculum in accordance with Sections 1175.1135 and 1175.1140.

b) Cosmetology schools approved to teach nail technology shall be required to comply with all provisions in this Part except Section 1175.1110(a) and (b).

(Source: Added at 18 Ill. Reg. _____, effective _____) MAR 1 4 1994

Section 1175.1110 Physical Site Requirements

a) Space Requirements

- 1) A nail school shall have a minimum of 500 square feet of work space for a maximum of 10 students. An additional 40 square feet is required for each additional work station if attendance exceeds 10 at any given time.

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- 2) Work space shall include the dispensary area but shall not include classrooms, restrooms, halls, checkrooms, locker space, storage areas, student lounge, cloak space, public waiting area, or other areas or facilities for administration.
- 3) The school shall be partitioned to provide for the following areas:
 - A) Dispensary area
 - B) Classrooms
 - C) Separate restrooms for males and females
 - D) Cloak space
 - E) A public waiting area separated from the work area
 - F) A student lounge area
 - G) Storage space
 - H) Locker space
 - I) Other areas for school administration
 - J) Work stations
- 4) All areas of the school shall be ventilated and lighted.
- b) Equipment Requirements - All equipment shall be in working condition and sufficient for the number of students enrolled. A school shall have the following equipment:
 - 1) An entrance sign designating the name of the school;
 - 2) A school seal;
 - 3) A time clock or other equipment necessary for verification of attendance and hours earned;
 - 4) A minimum of 5 patron work stations. For enrollment over 10, one patron work station per two students;
 - 5) Every patron work station shall include a patron chair, manicuring table and student chair for every 2 students enrolled;
 - 6) Every patron work station shall have a disinfectant tray and disinfectant solution;

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- 7) Trays for nail technology supplies;
- 8) Eye guards for patrons and students;
- 9) Protective garments to be worn by patrons and students when nail chemicals are used according to manufacturer's instructions.
- 10) Desk/table space and a chair for each student in the classroom;
- 11) Adequate covered waste and linen disposal cans placed at convenient locations;
- 12) Closed cabinets for storing clean towels; and
- 13) A mannequin hand for each student.
- c) Sanitary Regulations
 - 1) Clean outer garments must be worn at all times.
 - 2) All instruments shall be disinfected before and after use on each patron.
 - 3) Clean towels shall be used for each patron.
 - 4) Hands must be cleansed with an antimicrobial agent before and after serving each patron.
 - 5) After use on each patron, implements and electrical equipment must be disinfected according to manufacturer's specifications. All other equipment should be washed in water and sanitized before use.
 - 6) Manicuring table coverings must be disposed of or laundered and sanitized after each patron.
 - 7) All cosmetics shall be kept in clean, closed containers and be applied by sanitary applicators.
 - 8) All nail chemicals must be kept in labeled containers.

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- 2) No owner, manager, teacher or school administrator shall knowingly permit any person suffering from a serious communicable disease as defined in 77 Ill. Adm. Code 690 to work on the premises or knowingly permit a student to serve a patron with a serious communicable disease.
- 10) No animals or pets, except seeing eye/hearing dogs, shall be permitted on school premises.
- 11) The floors, walls and furniture shall be kept clean at all times.
- 12) An adequate supply of hot and cold running water shall be available for school operation.
- d) Textbooks/Teaching Materials - Textbooks shall be provided for each student in attendance.

- e) Teachers - The student/teacher ratio during clinical instruction shall not exceed a 10 to 1 ratio.

(Source: Added at 18 Ill. Reg. _____, effective _____) **MAR 14 1994**

Section 1175.1115 Student Contracts

- a) All contracts entered into with students or prospective students by an approved nail technology school or cosmetology school approved to teach nail technology shall be clearly labeled as a contract and shall include the following information:

- 1) The name and address of the school;
- 2) The date the contract was signed by the student and the date the student was admitted;
- 3) The name and description of the course of instruction, including the number of clock hours in each course and an approximate number of weeks or months required for completion;
- 4) The scheduled starting date and calculated completion date;

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- 5) A clear and conspicuous caption, "BUYER'S RIGHT TO CANCEL", under which it is explained that the student has the right to cancel the initial enrollment agreement until midnight of the fifth business day after the student has been enrolled; and if notice of the right to cancel is not given to any prospective student at the time the enrollment agreement is signed, then the student has the right to cancel the agreement at any time and receive a refund of all monies paid to date within 10 days of cancellation;
- 6) A notice to the students that the cancellation must be in writing and given to the registered agent, if any, or managing employee of the school;
- 7) The name of the school employee or agent responsible for procuring, soliciting or enrolling the student;
- 8) A clear statement that the institution does not guarantee employment and a statement describing the school's placement assistance procedures;
- 9) The graduation requirements of the school;
- 10) The total cost of the course of instruction including any charges made by the school for tuition, books, materials, supplies and other expenses.
- 11) A clear and conspicuous statement that the contract is a legally binding instrument when signed by the student and accepted by the school;
- 12) A clear and conspicuous statement that if an approved nail technology school transfers any contract or interest in the contract to another party, the student has the same rights afforded to him or her by the transferee as by the transferor;
- 13) The contents of the following notice, in at least 10 point bold type:

"NOTICE TO THE STUDENT"

"Do not sign this contract before you read it or if it contains any blank spaces."

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You are entitled to an exact copy of the contract you sign."

- 14) A clear and concise statement of the school's refund policy for unearned tuition, fees and other charges.
- 15) A written statement either in the enrollment agreement or separately provided and acknowledged by the student, indicating the number of students who did not complete the course of instruction for which they enrolled for the past calendar year as compared to the number of students who enrolled in school during the school's past calendar year.
- 16) The following clear and conspicuous caption: "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE DEPARTMENT OF PROFESSIONAL REGULATION", set forth with the address and telephone number of the Department's Chicago and Springfield offices;
- 17) If the enrollment or student contract is negotiated orally in a language other than English, then copies of the above disclosures shall be tendered in the language in which the contract was negotiated prior to executing the enrollment agreement.
- b) The school shall comply with all applicable requirements of the Retail Installment Sales Act (Ill. Rev. Stat. 1991, ch. 121 1/2, pars. 501 through 586) [815 ILCS 405] in its student contracts.
- c) No student contract shall contain a wage assignment provision or a confession of judgment clause.
- d) Any provision in a student contract that purports to waive the student's right to assert against the school, or any assignee, any claim or defense he may have against the school arising under the contract shall be void.

(Source: Added at 18 Ill. Reg. _____, effective _____ MAR 14 1994)

Section 1175.1120 Advertising

All school advertising for patrons must conspicuously contain the words "Work Done Exclusively by Students" or "All Work Done by Students."

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(Source: Added at 18 Ill. Reg. _____, effective _____ MAR 14 1994)

Section 1175.1125 Recordkeeping - Transcripts

- a) Each school shall provide an official transcript showing the entire course work of each student. The official transcript shall contain the following information:
 - 1) School's name and address;
 - 2) School seal;
 - 3) School license number;
 - 4) Signature of the owner, registrar or director of the school;
 - 5) Student's name, address and social security number;
 - 6) Actual dates student attended;
 - 7) Subject areas, hours earned and grades received;
 - 8) Any transfer hours, citing the name and address of the school transferred from, subject areas, hours earned and grades received;
 - 9) Final examination grades; and
 - 10) Graduation date.
- b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:
 - 1) If maintained on the school premises, they shall be maintained in a locked, fireproof cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fireproof cabinet.
 - 2) If records cannot be maintained on the premises in locked, fireproof cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location which shall be made known to the Department. Such records shall be accessible to Department officials for inspection.
- c) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations in the student contract as set forth in Section 1175.1115.

(Source: Added at 18 Ill. Reg. _____, effective _____ MAR 14 1994)

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Section 1175.1130 Recordkeeping - Hours Earned

- a) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.
- b) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records must be in a form which allows the student to receive a report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.
- c) Credit for hours earned away from the school premises shall be awarded only if students are supervised by a licensed instructor. Credit hours for outside study may include workshops, educational programs, films and demonstrations.
- d) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student, signature of supervising, licensed instructor.
- e) Instructors shall review monthly the hours earned by each student. Each month the instructor shall issue a signed report to the student showing the actual number of hours earned by the student.
- f) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript. The transcript shall be retained indefinitely.
- g) An hour is not less than 50 nor more than 60 minutes of instruction.
- h) A licensed instructor shall supervise all classroom, practical and clinical study. No credit shall be given for unsupervised study.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1135 Curriculum Requirements - Nail Technology

- a) Each licensed cosmetology school teaching a nail technology curriculum and

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each licensed nail technology school shall provide a minimum of 350 hours of course instruction as follows:

- 1) General theory and practical application - 85 hours of classroom instruction in general theory practical application (i.e., practicing nail technology on the public) and technical application (e.g., practicing the technical application on a mannequin finger or on the finger of another student) shall be provided in the following subject areas:
 - A) History of nail care;
 - B) Personal hygiene and public health;
 - C) Professional ethics;
 - D) Sterilization and disinfection;
 - E) Bacteriology;
 - F) Disorders of the nails;
 - G) OSHA standards relating to material safety data sheets (MSDs) on chemicals;
 - H) Chemicals and their use; and
 - I) Technical applications of chemicals.
- 2) Related concepts - 15 hours of classroom instruction shall be provided in the following subject areas:
 - A) Cells, metabolism and body systems;
 - B) Theory of massage; and
 - C) People skills.
- 3) Practices and Procedures - 220 hours of instruction, which shall be a combination of classroom instruction and clinical practical application, shall be provided in the following subject areas:
 - A) Fabric procedures;
 - B) Sculpting procedures;
 - C) Light cured gels;
 - D) Machines or apparatus used in nail technology;
 - E) Manicures;
 - F) Pedicures;
 - G) Hand, Arm and Foot Massage;
 - H) Other procedures as they relate to nail technology; and
 - I) Product knowledge as it relates to nail technology.

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- 4) Business Practices - 30 hours of classroom instruction shall be provided in the following subject areas:

- A) Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act and Rules;
- B) Management;
- C) OSHA standards relating to chemical use; and
- D) Workers' Compensation Act.

- b) A nail technology student is not permitted to practice on the public until he/she has successfully completed the 85 hours of general theory and practical application specified in subsection (a)(1) above.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1140 Curriculum Requirements - Nail Technology Teacher

- a) An approved school which intends to provide teacher training must utilize a teacher curriculum which includes a minimum of 1,000 hours as follows:

- 1) 350 hours of Post-Graduate School Training which includes all subjects in the basic nail technology curriculum in Section 1175.1135, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.

- 2) 150 hours of advanced nail technology training as defined in Section 1175.1005(a)(4)(A).

- 3) 20 hours of Educational Psychology which shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning which relates to teaching. This course shall be presented by a person qualified to teach educational psychology at the college level or a licensed cosmetology or nail technology teacher who has completed a course of instruction which included the topics set forth above or an equivalent program. These hours shall be waived on behalf of nail

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technology teacher students who have completed a course in Educational Psychology at an accredited college or university within the five years immediately preceding admission to the nail technology program.

- 4) 20 hours of Teaching Methods (Theory) which shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. This course shall be presented by a person qualified to instruct in Teaching Methods - Secondary Level at a college or university or a licensed cosmetology or nail technology teacher who has completed a course of instruction which included topics set forth above or an equivalent program. These hours shall be waived on behalf of nail technology students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university within the five years immediately preceding admission to the nail technology teacher program.

- 5) 150 hours of Application of Teaching Methods which includes: preparation and organization of subject matter to be presented on a unit by unit basis; and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.

- 6) 50 hours of Business Methods which include: inventory, record keeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.

- 7) 260 hours of Student Teaching under the direct supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.

b) The approved curriculum for a 500 hour Teacher Training Course provided for in Section 3C-3(d)(1) of the Act shall consist of:

- 1) 150 hours of advanced nail technology training as defined in Section 1175.1005(a)(4)(A).

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2) 20 hours of Educational Psychology which shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning which relates to teaching. This course shall be presented by a person qualified to teach educational psychology at the college level or a licensed cosmetology or nail technology teacher who has completed a course of instruction which included the topics set forth above or an equivalent program. These hours shall be waived on behalf of nail technology teacher students who have completed a course in Educational Psychology at an accredited college or university within the 5 years immediately preceding admission to the nail technology program.

3) 20 hours of Teaching Methods (Theory) which shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. This course shall be presented by a person qualified to instruct in Teaching Methods - Secondary Level at a college or university or a licensed cosmetology or nail technology teacher who has completed a course of instruction which included topics set forth above or an equivalent program. These hours shall be waived on behalf of nail technology students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university within the five years immediately preceding admission to the nail technology teacher program.

4) 100 hours of Application of Teaching Methods which includes: preparation and organization of subject matter to be presented on a unit by unit basis; and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.

5) 10 hours of Business Methods which include: inventory, record keeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.

6) 200 hours of Student Teaching under the direct supervision of an

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Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1145 Final Examination

a) A school shall require each candidate for graduation to pass a final examination which shall test the student's theoretical and practical knowledge of the curriculum studied.

b) The practical examination shall test the candidate's skills in the following areas:

- 1) Acrylic freeform and overlay procedures;
- 2) Manicure;
- 3) Pedicure;
- 4) Gel;
- 5) Wrap procedures; and
- 6) Safety and sanitation procedures.

c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h) below.

d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination.

e) The school shall allow each candidate for graduation at least 3 attempts to pass the final exam.

f) The Department may monitor the administration of the final examination:

- 1) As a result of a complaint received;
- 2) For random sampling;
- 3) To collect data; and/or
- 4) When the failure rate on the licensure examination for school graduates is greater than 25%.

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g) The Department shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts for each graduate. The Department shall review the records on an annual basis to identify those approved schools which have an average annual failure rate greater than 25%. An average annual review of the records shall commence one year from the effective date of this Part.

h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.1125(b) of this Part. These records shall include:

- 1) A copy of the final examination administered; and
- 2) Each student's examination grades.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1150 Change of Ownership

a) When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the Department the following:

- 1) An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;
- 2) A signed and completed school application;
- 3) A floor plan if any expansion is to be done by the new owner;
- 4) A copy of a lease agreement showing at least a one year commitment or certification of school site ownership;
- 5) A copy of the student contract that will be utilized by the new owner;
- 6) If the owner is a corporation, a copy of the Articles of Incorporation;
- 7) If the owner is a partnership, a listing of all partners and their

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addresses;

8) A signed inspection report by the local fire inspection authority approving the school site;

9) A complete financial statement of assets, liabilities and net worth showing the new owner's ability to operate the school for 3 months as evidenced by the owner's signature certifying that the information is true;

10) If a name change is to also occur, the new owner must submit a sample of the new school seal and a photo of the new school sign; and

11) The required fee.

b) Once the above items have been received, the Department shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if all of the requirements of Subpart K have been met.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1155 Change of Location

a) When the location of an approved school is changed, the school owner shall submit to the Department the following:

- 1) Written notice to the Department at least 30 days in advance of the school site change;
- 2) A signed and completed school application;
- 3) A floor plan;
- 4) A copy of a lease agreement showing at least a one year commitment or certification of ownership of the school site;
- 5) An inspection report signed by the local fire inspection authority approving the site; and
- 6) The required fee.

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- b) Once the above items have been received, the Department shall inspect the premises to determine compliance with this Part. School operations shall not begin at the new location nor may the school in any way solicit student enrollment until the owners have received written notice of approval from the Department. Approval will be granted if all requirements of Subpart K have been met.

- c) If the change of location is due to natural destruction of the original premises, a temporary site may be used to teach theory classes only.

- 1) The temporary site must be inspected prior to its use and must possess light and ventilation, tables and chairs for the number of students in a classroom, and must be clean.

- 2) The temporary site may be used for a period of 2 months. The 2 month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements, or delays in equipment delivery.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1160 Change of Name

When changing the name of a licensed school, a written request for a name change, along with the required fee specified in Section 1175.100, shall be mailed 30 days in advance of any name change. The Department shall then issue a new certificate. At the time of the change in name, all identifying signs and materials must be changed to conform with the new name on the school license.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1165 Expansion

- a) Written notice shall be given to the Department 30 days prior to any expansion of an approved school.

- b) When the expansion will result in an off-site classroom location, a completed application must be submitted along with:

- 1) A detailed floor plan;

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- 2) A copy of a lease showing at least a one year commitment to the use of the site or certification of ownership of the proposed site;

- 3) A signed fire inspection report giving approval for use of the site as a classroom location;

- 4) A statement from the school owner outlining the purpose of the classroom location;

- 5) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion;

- 6) A financial statement of assets, liabilities and net worth which shall reflect the owner's assets and debts inclusive of costs incurred or to be incurred as a result of the expansion;

- 7) The required fee.

An off-site classroom location is defined as a separate classroom located within 5 miles of the main school site which serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only one off-site classroom location. All identifying signs and materials must reflect the name of the main school.

- c) When an on-site expansion is to accommodate an increased enrollment, a completed application shall be submitted along with:

- 1) A detailed floor plan;

- 2) A statement from the school owner outlining the purpose of expansion;

- 3) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and

- 4) The required inspection fee as set forth in Section 1175.100(b)(3).

- d) Upon receipt of the above items, the Department shall inspect the expansion site to determine compliance with this Part. The site shall not be used until

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the inspection has occurred and the owner has received written notification of approval from the Department. Approval will be granted if all of the requirements of Subpart K have been met.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1170 Discontinuance of Program

- a) The Department shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.
- b) The school owner shall notify the Department in writing of the actual closing date of the school.
- c) All school records shall be maintained after the school closes.
- d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.
- e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.
- f) All refunds shall be given to students in accordance with the refund provisions set forth in the student contract.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1175 Withdrawal of Approval

- a) The Department may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the approval of a school of cosmetology or nail technology school when the quality of the program has been affected by, but not limited to, any of the following causes:

- 1) Gross or repeated violations of any provisions of the Act or this Part;
- 2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;

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- 3) Failure to meet the criteria for school approval in Section 1175.1100;
- 4) Failure to administer the final examination as specified in this Part;
- 5) Failure to maintain final examination grades for each student and a master of the examination administered as specified in this Part;
- 6) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.1115;
- 7) Failure to provide transcripts to students; or
- 8) A finding by the U.S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining such monies by providing fraudulent or untruthful information.

b) Performance Record on Licensing Examination

- 1) When a school's graduates have a 25% or greater failure rate on the licensing examination, Department approval of a school shall be reviewed pursuant to Section 1175.1100.
- 2) The performance record by a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the Department when reviewing Department approval of a school.

- 3) The Department shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when Department approval of a school is being reviewed.

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(Source: Added at 18 Ill. Reg. _____, effective _____)

SUBPART L: CONTINUING EDUCATION -
NAIL TECHNICIAN/NAIL TECHNOLOGY TEACHER

Section 1175.1200 Sponsor Approval

- a) Sponsor, as used in this Section, shall mean a person, firm, association,

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corporation, or any other group that has been approved and authorized by the Department to coordinate and present continuing education (CE) courses or programs for nail technicians or nail technology teachers.

- b) A nail technician continuing education sponsor application shall be filed with the Department to be approved as a nail technician continuing education sponsor. A nail technology teacher continuing education sponsor application shall be filed with the Department to be approved as a nail technology teacher sponsor. All sponsors shall certify that they will comply with all sponsor CE requirements set forth in this Subpart.

- c) A nail technology sponsor shall provide CE courses and programs that are organized programs of formal learning that contribute directly to a nail technician's knowledge and ability to perform duties as a nail technician. A continuing education program or course must meet the following minimum requirements:

- 1) A nail technology course or program shall include as its subject matter one or more of the following:

- A) Disinfectant procedures;
- B) Chemical service procedures;
- C) Illinois Barber, Cosmetology, Esthetics, and Nail Technology Acts and Rules;
- D) Workers' Compensation Act; and
- E) Advanced methods.

- 2) All programs shall be developed and presented by persons with education training and/or practical experience in the subject matter to be presented.

- 3) All programs must include a student evaluation of both instructor and the course.

- 4) All programs shall specify the course objectives, content, prerequisites, requirements and the number of CE hours to be earned. Such

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information shall be specified in all promotional materials.

- d) A nail technology teacher sponsor shall provide CE courses and programs that are organized programs of formal learning which contribute directly to a nail technology teacher's knowledge and ability to perform his/her duties as a nail technician. A continuing education program or course must meet the following minimum requirements:

- 1) A nail technology teacher course or program shall include as its subject matter one or more of the following:

- A) Educational Psychology;
- B) Teaching techniques as they apply to the use of mechanical or electrical apparatus or appliances used in the practice of nail technology;
- C) Teaching Methods;
- D) Business Methods;
- E) Human Relations;
- F) Counseling Techniques;
- G) Student Evaluation Skills;
- H) State and federal laws pertinent to nail technology;
- I) Tests and Measurements; and
- J) Written and Verbal Communication Skills.

- 2) All programs shall be developed and presented by persons with education training and/or practical experience in the subject matter to be presented.

- 3) All programs must include a student evaluation of both the instructor and the course.

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- 4) All programs shall specify the course objectives, content, prerequisites, requirements, and the number of CE hours to be earned. Such information shall be specified in all promotional materials.
- e) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address and identification number for each participant, course title, CE hours awarded, date of course, name of instructor and name of sponsor.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1205 Department Supervision

- a) The Department shall audit sponsors and their programs upon written complaint or allegation that the sponsor has not fully complied with the requirements of this Subpart.
- b) A sponsor's approval will be terminated if the sponsor fails to provide information to the Department to ascertain compliance with this Subpart.
- c) Upon failure of any sponsor to comply with requirements of Subpart L, the Department shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.

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(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 1175.1210 Credit Hours

- a) An approved CE program hour shall include at a minimum 50 minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation.
- b) Participants completing courses at a university or college shall receive 15 CE credit hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- c) A licensee (nail technician or nail technology teacher) who serves as an instructor, speaker or discussion leader of an approved course shall be

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allowed CE credit for actual presentation time. For preparation time, one hour of credit will be awarded for each 2 hours of actual presentation time. Preparation time for repetitious presentations shall not receive credit. No more than 10 hours can be earned under this Section during any renewal period.

- d) Credit shall be awarded for successful completion of courses taken pursuant to continuing education requirements in another state. Credit hours shall be awarded as stated in subsections (a), (b) and (c) above.

(Source: Added at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 1175.1215 Waiver of Continuing Education Requirements

- a) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application along with the required renewal fee, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Committee. If the Department finds from such statement or any other evidence submitted or upon recommendation of the Committee, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

- b) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- 1) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - 2) An incapacitating illness documented by a currently licensed physician; or
 - 3) Hardship as defined in Section 3-7 of the Act:
- A) The licensee resides in a locality where it is demonstrated that the absence of opportunities for such education would interfere

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with the ability of the licensee to provide services to the public.

B) That to comply with the continuing education requirements would cause a substantial financial hardship on the licensee.

C) If an interview is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Added at 18 Ill. Reg. _____ effective **MAR 14 1994**)

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1) Heading of the Part:

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation:

77 Ill. Adm. Code 350

3) Section Numbers:

350.640

350.3260

Proposed Action:

Amendments

Amendments

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.

[210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 350 govern the licensure of intermediate care facilities for the developmentally disabled, in accordance with the requirements of the Nursing Home Care Act.

Section 350.640 - The Section concerning the contact between the resident and the facility is being amended to add language from Public Act 88-154 (House Bill 275), effective July 28, 1993. The language states: "No prior notice of termination of the contract shall be required, however, in the case of a resident's death."

Section 350.3260 - The Section concerning Resident's Rights is being amended to reflect a statutory change. Public Act 87-1122 (effective September 16, 1992) amended Section 2-201 of the Nursing Home Care Act to change the requirements for securing residents' funds. The new language requires a facility to either purchase a surety bond or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. Additional language indicates how the assurance of the security of residents' funds is to be provided. Statutory language is also added to subsection (b) to reflect an amendment to the Nursing Home Care Act.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

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6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ___ No X7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ___ No X

9) Are there any other Proposed Amendments Pending on this Part?

Yes ___ No X

If Yes: _____

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

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B) Type of Small Businesses Affected:Intermediate care facilities for the developmentally disabledC) Reporting, Bookkeeping or Other Procedures Required for Compliance:NoneD) Types of Professional Skills Necessary for Compliance:None

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

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350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
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350.170	Denial of Initial License
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350.180	Revocation of License
350.190	Experimental Program: Conflicting With Requirements
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350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
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350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
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350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed

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SUBPART C: POLICIES

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350.610	Management Policies
350.620	Resident Care Policies
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
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350.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

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350.810	Personnel
350.820	Consultation Services
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350.1010	Service Programs
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350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff

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SUBPART F: HEALTH SERVICES

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350.1225	Tuberculin Skin Test Procedures
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SUBPART G: MEDICATIONS

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350.1410	Medication Policies and Procedures
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SUBPART H: RESIDENT AND FACILITY RECORDS

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SUBPART I: FOOD SERVICE

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350.1880	Menu Planning
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SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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350.2210	Furnishings
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SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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350.2410	Codes
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SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

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350.2610	Applicability of These Standards
350.2620	Codes and Standards
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350.2640	Site
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350.2700	General Building Requirements
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350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

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350.3000	General Building Requirements
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SUBPART O: RESIDENT'S RIGHTS

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SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

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350.3980	Fire Alarm and Detection System
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350.4010	Construction Types
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350.4210	Day Care in Long-Term Care Facilities

350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms for Day Care in Long-Term Care Facilities

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- 350.TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
- 350.TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
- 350.TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
- 350.TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less
- 350.TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
- 350.TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15536, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 24, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15056, effective September 3, 1993; effective at 17 Ill. Reg. 16153, effective

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January 1, 1994; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

SUBPART C: POLICIES

Section 350.640 Contract Between Resident and Facility

a) Contract Execution

- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
- B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, AS NOW OR HEREFTER AMENDED, 2-3 OF THE ILLINOIS POWER OF ATTORNEY ACT, OR
- C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)
- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR HEREFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)
- 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS

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ALREADY BEEN FOUND TO BE A "DISABLED PERSON," BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)

4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, ~~AS AMENDED~~; OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, ~~AS AMENDED~~. (Section 2-202(a) of the Act)

5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202(a) of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."

c) BEFORE A LICENSEE (any facility licensed under the Act) ENTERS A CONTRACT UNDER SECTION 2-202 OF THE ACT, IT SHALL PROVIDE THE PROSPECTIVE RESIDENT AND HIS GUARDIAN, IF ANY, WITH WRITTEN NOTICE OF THE LICENSEE'S POLICY REGARDING DISCHARGE OF A RESIDENT WHOSE PRIVATE FUNDS FOR PAYMENT OF CARE ARE EXHAUSTED. (Section 2-202(a) of the Act)

d) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)

e) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-220(c)

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of the Act)

f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."

h) The contract shall include a definition of "responsible party" or "guarantor," which describes in full the liability incurred by any such person.

i) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)

j) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(c) of the Act)

k) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)

l) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.

m) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act) A paragraph shall itemize the services and products to be provided by the facility and express the costs of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. The contract may provide that the charges for services may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of

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the written notice of the change. The written notice shall become an addendum to the contract.

n) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.

2) If the cost of any itemized service or product to be provided to the resident by the facility or related institutions ~~to the resident~~ cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

3) The contract may provide that the charges for services and products not covered by the rate or fee established in subsection (4)(m) may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

o) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENT DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

p) Deposit Provisions

1) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act)

2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the

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satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.

q) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF THE RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act)

r) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act)

s) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. NO PRIOR NOTICE OF TERMINATION OF THE CONTRACT SHALL BE REQUIRED. HOWEVER, IN THE CASE OF A RESIDENT'S DEATH, THE CONTRACT ~~IT~~ SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

t) All facilities which offer to provide a resident with NURSING SERVICES, MEDICAL SERVICES OR PERSONAL CARE SERVICES, IN ADDITION TO MAINTENANCE SERVICES, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, for a term in excess of one year or for life pursuant to a life care contract,

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shall meet all of the provisions of the Life Care Facilities Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4160-1 et seq.) [210 ILCS 40], including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

- u) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;

- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)

- v) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART O: RESIDENT'S RIGHTS

Section 350.32(6) Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (e) OF THIS SECTION, subsections (b) through (e) of this Section. (Section 2-102 of the Act)

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- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING TO THE RESIDENT AND THE RESIDENT'S SPOUSE THEIR SPOUSAL IMPOVERISHMENT RIGHTS AS DEFINED AT SECTION 5-4 OF THE ILLINOIS PUBLIC AID CODE, AND AT SECTION 303 OF TITLE III OF THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (P.L. 100-360), AND THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED; AND, THE FACILITY SHALL OBTAIN A SIGNED ACKNOWLEDGMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)

- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)

- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-201(3) of the Act)

- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)

- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS, OR OTHERWISE PROVIDE ASSURANCE SATISFACTORY TO THE DEPARTMENTS OF PUBLIC HEALTH AND INSURANCE THAT ALL RESIDENTS' PERSONAL FUNDS DEPOSITED WITH THE FACILITY

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INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)

j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(8) of the Act)

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-201(9) of the Act)

l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)

n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)

o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(b) of the Act)

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ARE SECURE AGAINST LOSS, THEFT, AND INSOLVENCY. (Section 2-201(5) of the Act)

1) If a surety bond is secured, it must be issued by a company licensed to do business in Illinois, the amount of bond must be equal to or greater than all resident funds managed by the facility, and the obligee named in the bond must be the Illinois Department of Public Health or its assignees.

2) If an alternative to a surety bond is secured, the alternative must provide a protection equivalent to that afforded by a surety bond. To be acceptable, the alternative must have a person(s) or entity(ies) designated who can collect in case of loss (e.g., residents, the Department). The alternative must also provide a guarantee that lost funds will be repaid. The guarantee may be made either by an independent entity (e.g., a bank) or the facility. If the facility provides the guarantee, it must be backed by facility money at least equal to resident funds. This money must be reserved solely for the purpose of assuring the security of resident funds. Two examples of acceptable alternatives to surety bonds are letters of credit and self-insurance. Both surety bonds and alternatives must protect the full amount of residents' funds deposited with the facility.

3) Any alternative to a surety bond shall be submitted to the Department for review and approval. Alternatives that meet the requirements of this Section and were in place prior to _____ must be submitted to the Department for review and approval within 120 days of _____.

g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-201(6) of the Act)

h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)

i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-

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of the Act). "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

Cited Citation:

77 Ill. Adm. Code 390

3) Section Numbers:

390.640
390.3260

Proposed Action:

Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.
[210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 390 govern the licensure of long-term care facilities for persons under age 22 in accordance with the requirements of the Nursing Home Care Act.

Section 390.640 - The Section concerning the contract between the resident and the facility is being amended to add language from Public Act 88-154 (House Bill 275), effective July 28, 1993. The language states: "No prior notice of termination of the contract shall be required, however, in the case of a resident's death."

Section 390.3260 - The Section concerning Resident's Rights is being amended to reflect a statutory change. Public Act 87-1122 (effective September 16, 1992) amended Section 2-201 of the Nursing Home Care Act to change the requirements for securing residents' funds. The new language requires a facility to either purchase a surety bond or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. Additional language indicates how the assurance of the security of residents' funds is to be provided. Statutory language is also added to subsection (b) to reflect an amendment to the Nursing Home Care Act.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

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6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ___ No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ___ No X

9) Are there any other Proposed Amendments Pending on this Part?

Yes ___ No X

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

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B) Type of Small Businesses Affected:

Long-term care facilities for persons under age 22

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390
 LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

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390.130	Licensee
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390.150	Issuance of an Initial License Due to a Change of Ownership
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390.284	Calculation of Penalties
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390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed

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390.640	Contract Between Resident and Facilities
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BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES

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 390.2610 Applicability of these Standards
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390.3290	Private Right of Action
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SUBPART P: DAY CARE PROGRAMS

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Section	
390.3510	Day Care in Long-Term Care Facilities
390 APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age
390 APPENDIX B	Forms for Day Care in Long-Term Care Facilities
390 TABLE A	Infant Feeding
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390 TABLE E	Sprinkler Requirements
390 TABLE F	Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 14321, effective January 14, 1994; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

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Section 390.640

Contract Between Resident and Facility

a) Contract Execution

1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR

B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, AS NOW OR ~~HEREAFTER AMENDED~~; 2-3 OF THE ILLINOIS POWER OF ATTORNEY ACT; OR

C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)

2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR ~~HEREAFTER AMENDED~~, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)

3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON," BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)

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4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, ~~AS AMENDED~~; OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, ~~AS AMENDED~~. (Section 2-202(a) of the Act)

5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202(a) of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition

b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."

c) BEFORE A LICENSEE (any facility licensed under the Act) ENTERS A CONTRACT UNDER SECTION 2-202 OF THE ACT, IT SHALL PROVIDE THE PROSPECTIVE RESIDENT AND HIS GUARDIAN, IF ANY, WITH WRITTEN NOTICE OF THE LICENSEE'S POLICY REGARDING DISCHARGE OF A RESIDENT WHOSE PRIVATE FUNDS FOR PAYMENT OF CARE ARE EXHAUSTED. (Section 2-202(a) of the Act)

d) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)

e) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-220(c) of the Act)

f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."

h) The contract shall include a definition of "responsible party" or "guarantor," which describes in full the liability incurred by any such person.

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1) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)

2) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act)

3) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)

4) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.

m) Services Provided and Charges

1) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act)

2) A paragraph shall itemize the services and products to be provided by the facility and express the costs of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee.

3) The contract may provide that the charges for services may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

n) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product can be

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calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.

2) If the cost of any itemized service or product to be provided to the resident by the facility or related institutions ~~to the resident~~ cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

3) The contract may provide that the charges for services and products not covered by the rate or fee established in subsection (4)(m) may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

o) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENT DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

p) Deposit Provisions

1) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act)

2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable the contract shall provide express notice of such nonrefundability.

q) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF THE RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act)

r) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH

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A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act)

s) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. NO PRIOR NOTICE OF TERMINATION OF THE CONTRACT SHALL BE REQUIRED. HOWEVER, IN THE CASE OF A RESIDENT'S DEATH, THE CONTRACT ~~IF~~ SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

t) All facilities which offer to provide a resident with NURSING SERVICES, MEDICAL SERVICES OR PERSONAL CARE SERVICES, IN ADDITION TO MAINTENANCE SERVICES, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4160-1 et seq.) [210 ILCS 40], including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

u) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;

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3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;

4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)

v) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART O: RESIDENT'S RIGHTS

Section 390.3260 Resident's Funds

a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER ~~SUBSECTIONS (b) THROUGH (e) OF THIS SECTION~~ subsections (b) through (e) of this Section. (Section 2-102 of the Act)

b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING TO THE RESIDENT AND THE RESIDENT'S SPOUSE THEIR SPOUSAL IMPOVERISHMENT RIGHTS AS DEFINED AT SECTION 5.4 OF THE ILLINOIS PUBLIC AID CODE, AND AT SECTION 303 OF TITLE III OF THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (P.L. 100-360), AND THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED; AND, THE FACILITY SHALL OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)

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c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)

d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-201(3) of the Act)

e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)

f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS, OR OTHERWISE PROVIDE ASSURANCE SATISFACTORY TO THE DEPARTMENTS OF PUBLIC HEALTH AND INSURANCE THAT ALL RESIDENTS' PERSONAL FUNDS DEPOSITED WITH THE FACILITY ARE SECURE AGAINST LOSS, THEFT, AND INSOLVENCY. (Section 2-201(5) of the Act)

1) If a surety bond is secured, it must be issued by a company licensed to do business in Illinois, the amount of bond must be equal to or greater than all resident funds managed by the facility, and the obligee named in the bond must be the Illinois Department of Public Health or its assignees.

2) If an alternative to a surety bond is secured, the alternative must provide a protection equivalent to that afforded by a surety bond. To be acceptable, the alternative must have a person(s) or entity(ies) designated who can collect in case of loss (e.g., residents, the Department). The alternative must also provide a guarantee that lost funds will be repaid. The guarantee may be made either by an independent entity (e.g., a bank) or the facility. If the facility provides the guarantee, it must be backed by facility money at least equal to resident funds. This money must be reserved solely for the purpose of assuring the security of resident funds. Two examples of acceptable alternatives to surety bonds are letters of credit and self-insurance. Both surety bonds and alternatives must protect the

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full amount of residents' funds deposited with the facility.

3) Any alternative to a surety bond shall be submitted to the Department for review and approval. Alternatives that meet the requirements of this Section and were in place prior to _____ must be submitted to the Department for review and approval within 120 days of _____.

g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-201(6) of the Act)

h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)

i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)

j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(8) of the Act)

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-201(9) of the Act)

l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE

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RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)

n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)

o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(b) of the Act). "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Sheltered Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 330

3) Section Numbers:

330.730

330.4260

Proposed Action:

Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111, 1/2, par. 4151-101 et seq.

[210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 330 govern the licensure of skilled nursing and intermediate care facilities in accordance with the requirements of the Nursing Home Care Act.

Section 330.730 - The Section concerning the contract between the resident and the facility is being amended to add language from Public Act 88-154 (House Bill 275), effective July 28, 1993. The language states: "No prior notice of termination of the contract shall be required, however, in the case of the resident's death."

Section 330.4260 - The Section concerning Resident's Rights is being amended to reflect a statutory change. Public Act 87-1122 (effective September 16, 1992) amended Section 2-201 of the Nursing Home Care Act to change the requirements for securing residents' funds. The new language requires a facility to either purchase a surety bond or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. Additional language indicates how the assurance of the security of residents' funds is to be provided. Statutory language is also added to subsection (b) to reflect an amendment to the Nursing Home Care Act.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

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- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

- 7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date:

- 8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes No X

- 9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

- 10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

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- B) Type of Small Businesses Affected:

Sheltered care facilities

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

- D) Types of Professional Skills Necessary for Compliance:

None

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77 PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	General Requirements
330.110	Application for License
330.120	Licensure
330.130	Issuance of an Initial License For a New Facility
330.140	Issuance of an Initial License Due to a Change of Ownership
330.150	Issuance of a Renewal License
330.160	Criteria for Adverse Licensure Actions
330.165	Denial of Initial License
330.170	Denial of Renewal of License
330.175	Revocation of License
330.180	Experimental Program Conflicting With Requirements
330.190	Inspections, Surveys, Evaluations and Consultation
330.200	Filing an Annual Attested Financial Statement
330.210	Information to Be Made Available to the Public By the Department
330.220	Information to Be Made Available to the Public By the Licensee
330.230	Municipal Licensing
330.240	Ownership Disclosure
330.250	Issuance of Conditional Licenses
330.260	Monitor and Receivership
330.270	Presentation of Findings
330.271	Determination to Issue a Notice of Violation or Administrative Warning
330.272	Determination of the Level of a Violation
330.274	Notice of Violation
330.276	Administrative Warning
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45].

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SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

SUBPART C: POLICIES

Section 330.730 Contract Between Resident and Facility

a) Contract Execution

- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
- B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS

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DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, AS NOW OR HEREFTER AMENDED; 2-3 OF THE ILLINOIS POWER OF ATTORNEY ACT; OR

- C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)
- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR HEREFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)
- 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON," BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)
- 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, AS AMENDED, OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)
- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202(a) of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family available, able,

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or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

- h) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."
- c) BEFORE A LICENSEE (any facility licensed under the Act) ENTERS A CONTRACT UNDER SECTION 2-202 OF THE ACT, IT SHALL PROVIDE THE PROSPECTIVE RESIDENT AND HIS GUARDIAN, IF ANY, WITH WRITTEN NOTICE OF THE LICENSEE'S POLICY REGARDING DISCHARGE OF A RESIDENT WHOSE PRIVATE FUNDS FOR PAYMENT OF CARE ARE EXHAUSTED. (Section 2-202(a) of the Act)
- d) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)
- e) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-220(c) of the Act)
- f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.
- g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."
- h) The contract shall include a definition of "responsible party" or "guarantor," which describes in full the liability incurred by any such person.
- i) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)
- j) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-

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202(c) of the Act)

- k) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)
- l) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.
- m) Services Provided and Charges
 - 1) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act)
 - 2) A paragraph shall itemize the services and products to be provided by the facility and express the costs of the itemized services and products to be provided either in terms of daily, weekly, monthly or yearly rate, or in terms of a single fee.
 - 3) The contract may provide that the charges for services may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

n) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.
- 2) If the cost of any itemized service or product to be provided to the resident by the facility or related institutions ~~to the resident~~ cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's

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liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

- 3) The contract may provide that the charges for services and products not covered by the rate or fee established in subsection ~~(4)(m)~~ may be charged with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

o) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

p) Deposit Provisions

- 1) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act)

- 2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.

q) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF THE RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act)

r) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act)

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s) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. NO PRIOR NOTICE OF TERMINATION OF THE CONTRACT SHALL BE REQUIRED. HOWEVER, IN THE CASE OF A RESIDENT'S DEATH, THE CONTRACT IF SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

t) All facilities which offer to provide a resident with NURSING SERVICES, MEDICAL SERVICES OR PERSONAL CARE SERVICES, IN ADDITION TO MAINTENANCE SERVICES, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4160-1 et seq.) [210 ILCS 40], including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

u) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;

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- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)
- v) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART Q: RESIDENT'S RIGHTS

Section 330.4260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (g) OF THIS SECTION, subsections (b) through (g) of this Section. (Section 2-102 of the Act)
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING TO THE RESIDENT AND THE RESIDENT'S SPOUSE THEIR SPOUSAL IMPOVERISHMENT RIGHTS AS DEFINED AT SECTION 5.4 OF THE ILLINOIS PUBLIC AID CODE, AND AT SECTION 303 OF TITLE III OF THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (P.L. 100-360), AND THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED; AND, THE FACILITY SHALL OBTAIN A SIGNED ACKNOWLEDGMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)
- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER

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- OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)
- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-201(3) of the Act)
- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)
- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS, OR OTHERWISE PROVIDE ASSURANCE SATISFACTORY TO THE DEPARTMENTS OF PUBLIC HEALTH AND INSURANCE THAT ALL RESIDENTS' PERSONAL FUNDS DEPOSITED WITH THE FACILITY ARE SECURE AGAINST LOSS, THEFT, AND INSOLVENCY. (Section 2-201(5) of the Act)
- 1) If a surety bond is secured, it must be issued by a company licensed to do business in Illinois, the amount of bond must be equal to or greater than all resident funds managed by the facility, and the obligee named in the bond must be the Illinois Department of Public Health or its assignees.
- 2) If an alternative to a surety bond is secured, the alternative must provide a protection equivalent to that afforded by a surety bond. To be acceptable, the alternative must have a person(s) or entity(ies) designated who can collect in case of loss (e.g., residents, the Department). The alternative must also provide a guarantee that lost funds will be repaid. The guarantee may be made either by an independent entity (e.g., a bank) or the facility. If the facility provides the guarantee, it must be backed by facility money at least equal to resident funds. This money must be reserved solely for the purpose of assuring the security of resident funds. Two examples of acceptable alternatives to surety bonds are letters of credit

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and self-insurance. Both surety bonds and alternatives must protect the full amount of residents' funds deposited with the facility.

- 2) Any alternative to a surety bond shall be submitted to the Department for review and approval. Alternatives that meet the requirements of this Section and were in place prior to _____ must be submitted to the Department for review and approval within 120 days of _____.

g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-201(6) of the Act)

h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)

i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)

j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(8) of the Act)

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-201(9) of the Act)

l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON

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THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)

n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)

o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(b) of the Act). "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3) Section Numbers:

300.630
300.1030
300.3260

Proposed Action:

Amendments
Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.
[210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 300 govern the licensure of skilled nursing and intermediate care facilities in accordance with the requirements of the Nursing Home Care Act.

Section 300.630 - The Section concerning the contract between the resident and the facility is being amended to add language from Public Act 88-154 (House Bill 275), effective July 28, 1993. The language states: "No prior notice of termination of the contract shall be required, however, in the case of a resident's death."

Section 300.1030 - The Section concerning Medical Emergencies is being amended to clarify requirements for the number of employees who must be certified in basic life support by an American Heart Association or American Red Cross certified training program. The rules are being amended to reflect current certification requirements.

Section 300.3260 - The Section concerning Resident's Rights is being amended to reflect a statutory change. Public Act 87-1122 (effective September 16, 1992) amended Section 2-201 of the Nursing Home Care Act to change the requirements for securing residents' funds. The new language requires a facility to either purchase a surety bond or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. Additional language indicates how the assurance of the security of residents' funds is to be provided. Statutory language is also added to subsection (b) to reflect an amendment to the Nursing Home Care Act.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests

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any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeat Date? Yes No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes No X

9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act)

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commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Skilled nursing and intermediate care facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	General Requirements
300.110	Application for License
300.120	Licensee
300.130	Issuance of an Initial License for a New Facility
300.140	Issuance of an Initial License Due to a Change of Ownership
300.150	Issuance of a Renewal License
300.160	Criteria for Adverse License Actions
300.165	Denial of Initial License
300.170	Denial of Renewal of License
300.175	Revocation of License
300.180	Experimental Program Conflicting With Requirements
300.190	Inspections, Surveys, Evaluations and Consultation
300.200	Filing an Annual Attested Financial Statement
300.210	Information to Be Made Available to the Public By the Department
300.220	Information to Be Made Available to the Public By the Licensee
300.230	Municipal Licensing
300.240	Ownership Disclosure
300.250	Issuance of Conditional Licenses
300.260	Monitor and Receivership
300.270	Presentation of Findings
300.271	Determination to Issue a Notice of Violation or Administrative Warning
300.272	Determination of the Level of a Violation
300.274	Notice of Violation
300.276	Administrative Warning
300.277	Plans of Correction
300.278	Reports of Correction
300.280	Conditions for Assessment of Penalties
300.282	Calculation of Penalties
300.284	Determination to Assess Penalties
300.286	Reduction or Waiver of Penalties
300.288	Quarterly List of Violators
300.290	Alcoholism Treatment Programs In Long-Term Care Facilities
300.300	Department May Survey Facilities Formerly Licensed
300.310	

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300.320 Waivers
 300.330 Definitions
 300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
 300.510 Administrator

SUBPART C: POLICIES

Section
 300.610 Resident Care Policies
 300.620 Admission and Discharge Policies
 300.630 Contract Between Resident and Facility
 300.640 Residents' Advisory Council
 300.650 Personnel Policies
 300.660 Initial Health Evaluation for Employees
 300.665 Student Interns
 300.670 Disaster Preparedness
 300.680 Restraints and Safety Devices
 300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section
 300.810 General
 300.820 Categories of Personnel
 300.830 Consultation Services
 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section
 300.1010 Medical Care Policies
 300.1020 Communicable Disease Policies
 300.1025 Tuberculin Skin Test Procedures
 300.1030 Medical Emergencies
 300.1035 Life-Sustaining Treatments
 300.1040 Behavior Emergencies
 300.1050 Dental Standards

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SUBPART F: NURSING AND PERSONAL CARE

Section
 300.1210 General Requirements for Nursing and Personal Care
 300.1220 Supervision of Nursing Services
 300.1230 Staffing
 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section
 300.1410 Activity Program
 300.1420 Specialized Rehabilitation Services
 300.1430 Work Programs

SUBPART H: MEDICATIONS

Section
 300.1610 Medication Policies and Procedures
 300.1620 Conformance With Physician's Orders
 300.1630 Administration of Medication
 300.1640 Labeling and Storage of Medications
 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section
 300.1810 Resident Record Requirements
 300.1820 Content of Medical Records
 300.1830 Records Pertaining to Residents' Property
 300.1840 Retention and Transfer of Resident Records
 300.1850 Other Resident Record Requirements
 300.1860 Staff Responsibility for Medical Records
 300.1870 Retention of Facility Records
 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section
 300.2010 Director of Food Services
 300.2020 Dietary Staff in Addition to Director of Food Services
 300.2030 Hygiene of Dietary Staff
 300.2040 Diet Orders

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300.2050 Adequacy of Diet and Meal Pattern
 300.2060 Therapeutic Diets
 300.2070 Scheduling Meals
 300.2080 Menu Planning
 300.2090 Food Preparation and Service
 300.2100 Food Handling Sanitation
 300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
 300.2210 Maintenance
 300.2220 Housekeeping
 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
 300.2410 Furnishings
 300.2420 Equipment and Supplies
 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section
 300.2610 Codes
 300.2620 Water Supply
 300.2630 Sewage Disposal
 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
 300.2810 Applicability of these Standards
 300.2820 Codes and Standards
 300.2830 Preparation of Drawings and Specifications
 300.2840 Site
 300.2850 Administration and Public Areas
 300.2860 Nursing Unit
 300.2870 Dining, Living, Activities Rooms
 300.2880 Therapy and Personal Care
 300.2890 Service Departments

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300.2900 General Building Requirements
 300.2910 Structural
 300.2920 Mechanical Systems
 300.2930 Plumbing Systems
 300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
 300.3010 Applicability
 300.3020 Codes and Standards
 300.3030 Preparation of Drawings and Specifications
 300.3040 Site
 300.3050 Administration and Public Areas
 300.3060 Nursing Unit
 300.3070 Living, Dining, Activities Rooms
 300.3080 Treatment and Personal Care
 300.3090 Service Departments
 300.3100 General Building Requirements
 300.3110 Structural
 300.3120 Mechanical Systems
 300.3130 Plumbing Systems
 300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section
 300.3210 General
 300.3220 Medical and Personal Care Program
 300.3230 Restraints
 300.3240 Abuse and Neglect
 300.3250 Communication and Visitation
 300.3260 Resident's Funds
 300.3270 Residents' Advisory Council
 300.3280 Contract With Facility
 300.3290 Private Right of Action
 300.3300 Transfer or Discharge
 300.3310 Complaint Procedures
 300.3320 Confidentiality
 300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

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Section	
300.3410	Application of Other Divisions of These Minimum Standards
300.3420	Administrator
300.3430	Policies
300.3440	Personnel
300.3450	Resident Living Services Medical and Dental Care
300.3460	Resident Services Program
300.3470	Psychological Services
300.3480	Social Services
300.3490	Recreational and Activities Services
300.3500	Individual Treatment Plan
300.3510	Health Services
300.3520	Medical Services
300.3530	Dental Services
300.3540	Optometric Services
300.3550	Audiometric Services
300.3560	Podiatric Services
300.3570	Occupational Therapy Services
300.3580	Nursing and Personal Care
300.3590	Resident Care Services
300.3600	Record Keeping
300.3610	Food Service
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities)
300.3630	Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAY CARE PROGRAMS

Section	
300.3710	Day Care in Long-Term Care Facilities
300.APPENDIX A	Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
300.APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities

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300.TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 19477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 544, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

SUBPART C: POLICIES

Section 300.630 Contract Between Resident and Facility

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a) Contract Execution

- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
- B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, ~~AS NOW OR HEREFTER AMENDED~~; 2-3 OF THE ILLINOIS POWER OF ATTORNEY ACT; OR
- C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)

- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, ~~AS NOW OR HEREFTER AMENDED~~, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)

- 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON," BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)

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- 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, ~~AS AMENDED~~, OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, ~~AS AMENDED~~. (Section 2-202(a) of the Act)
- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202(a) of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.
- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."
- c) BEFORE A LICENSEE (any facility licensed under the Act) ENTERS A CONTRACT UNDER SECTION 2-202 OF THE ACT, IT SHALL PROVIDE THE PROSPECTIVE RESIDENT AND HIS GUARDIAN, IF ANY, WITH WRITTEN NOTICE OF THE LICENSEE'S POLICY REGARDING DISCHARGE OF A RESIDENT WHOSE PRIVATE FUNDS FOR PAYMENT OF CARE ARE EXHAUSTED. (Section 2-202(a) of the Act)
- d) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)
- e) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act)
- f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.
- g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of

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can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.

- h) The contract shall include a definition of "responsible party" or "guarantor," which describes in full the liability incurred by any such person.
- i) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)
- j) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act)
- k) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)
- l) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.
- m) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act) A paragraph shall itemize the services and products to be provided by the facility and express the costs of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. The contract may provide that the charges for services may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.
- n) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)
- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product
- 2) If the cost of any itemized service or product to be provided to the resident by the facility or related institutions cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.
- 3) The contract may provide that the charges for services and products not covered by the rate or fee established in subsection (4)(m) may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.
- o) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENT DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)
- p) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.
- q) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF THE RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act)
- r) ~~The contract shall designate the name of the resident's representative, if any. THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S~~

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REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act)

- s) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. NO PRIOR NOTICE OF TERMINATION OF THE CONTRACT SHALL BE REQUIRED. HOWEVER, IN THE CASE OF A RESIDENT'S DEATH, THE CONTRACT ~~IF~~ SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

- t) All facilities which offer to provide a resident with NURSING SERVICES, MEDICAL SERVICES OR PERSONAL CARE SERVICES, IN ADDITION TO MAINTENANCE SERVICES, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4160-1 et seq.) [210 ILCS 40], including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

- u) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE

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STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON:

- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)

- v) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section 300.1030 Medical Emergencies

- a) The advisory physician or medical advisory committee shall develop policies and procedures to be followed during the various medical emergencies that may occur from time to time in long-term care facilities. These medical emergencies include, but are not limited to, such things as:
- 1) Pulmonary emergencies (for example, airway obstruction, foreign body aspiration, and acute respiratory distress, failure, or arrest).
 - 2) Cardiac emergencies (for example, ischemic pain, cardiac failure, or cardiac arrest).
 - 3) Traumatic injuries (for example, fractures, burns, and lacerations).
 - 4) Toxicologic emergencies (for example, untoward drug reactions and overdoses).
 - 5) Other medical emergencies (for example, convulsions and shock). (A, B)
- b) The facility shall maintain in a suitable location the equipment to be used during these emergencies. This equipment shall include at a minimum the following: a portable oxygen kit, including a face mask and/or cannula; an airway; and bag-valve mask manual ventilating device. (B)

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- c) There shall be at least one staff person on duty at all times who has been properly trained to handle the medical emergencies listed in subsection (a) of this Section. This staff person may also be counted in fulfilling the requirement of subsection (d) of this Section, if the staff person meets the specified certification requirements. (B)
- d) ~~When a facility has only one employee on duty, that employee shall have been certified within the past twelve months.~~ There shall be at least two people on duty in the facility who have current certification in the provision of basic life support by an American Heart Association or American Red Cross certified training program. When there is ~~more than~~ only one person on duty in the facility, ~~at least two of the people on duty that only one~~ person need be so certified. Any facility employee who is on duty in the facility may be utilized to meet this requirement.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART P: RESIDENT'S RIGHTS

Section 300.3260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (c) OF THIS SECTION, subsections (b) through (c) of this Section. (Section 2-102 of the Act)
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING TO THE RESIDENT AND THE RESIDENT'S SPOUSE THEIR SPOUSAL IMPOVERISHMENT RIGHTS AS DEFINED AT SECTION 5.4 OF THE ILLINOIS PUBLIC AID CODE, AND AT SECTION 303 OF TITLE III OF THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (P.L. 100-360), AND THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, ~~AND~~ THE FACILITY SHALL OBTAIN A SIGNED ACKNOWLEDGMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)
- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER

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- OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)
- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-201(3) of the Act)
- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)
- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS, OR OTHERWISE PROVIDE ASSURANCE SATISFACTORY TO THE DEPARTMENTS OF PUBLIC HEALTH AND INSURANCE THAT ALL RESIDENTS' PERSONAL FUNDS DEPOSITED WITH THE FACILITY ARE SECURE AGAINST LOSS, THEFT, AND INSOLVENCY. (Section 2-201(5) of the Act)
- 1) If a surety bond is secured, it must be issued by a company licensed to do business in Illinois, the amount of bond must be equal to or greater than all resident funds managed by the facility, and the obligee named in the bond must be the Illinois Department of Public Health or its assignees.
- 2) If an alternative to a surety bond is secured, the alternative must provide a protection equivalent to that afforded by a surety bond. To be acceptable, the alternative must have a person(s) or entity(ies) designated who can collect in case of loss (e.g., residents, the Department). The alternative must also provide a guarantee that lost funds will be repaid. The guarantee may be made either by an independent entity (e.g., a bank) or the facility. If the facility provides the guarantee, it must be backed by facility money at last equal to resident funds. This money must be reserved solely for the purpose of assuring the security of resident funds. Two examples of acceptable alternatives to surety bonds are letters of credit and self-insurance. Both

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surety bonds and alternatives must protect the full amount of residents' funds deposited with the facility.

- 3) Any alternative to a surety bond shall be submitted to the Department for review and approval. Alternatives that meet the requirements of this Section and were in place prior to _____ must be submitted to the Department for review and approval within 120 days of _____.

g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-201(6) of the Act)

h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)

i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)

j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(8) of the Act)

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-201(9) of the Act)

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- l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)
- m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)
- n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)
- o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(b) of the Act). "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathleen Bloomberg, Associate Director
Illinois State Library
300 S. Second Street
Springfield, IL 61702-1796
(217)785-0052

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Illinois State Library Training Program Grants

- 2) Code Citation: 23 Ill. Adm. Code 3070

- | | |
|----------------------------|------------------------|
| 3) <u>Section Numbers:</u> | <u>Adopted Action:</u> |
| 3070.100 | Amendment |
| 3070.110 | Amendment |
| 3070.120 | Amendment |
| 3070.130 | Amendment |
| 3070.140 | Amendment |
| 3070.150 | Amendment |
| 3070.160 | Amendment |
| 3070.170 | Amendment |

- 4) Statutory Authority: Implementing and authorized by Sections 2 and 7 (q) of the State Library Act (15 ILCS 320/2 and 320/7 (q) and the Library Services and Construction Act (20 U.S.C. 351 et seq.).

- 5) Effective Date of Rules Amendments: **MAR 14 1994**

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this amendment contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: **MAR 14 1994**

- 9) Notice of Proposal Published in Illinois Register: November 12, 1993, 17 Ill. Reg. 19460

- 10) Has JCAR issued a statement of objections to this rule? No.

- 11) Difference between proposal and final version: A minor spacing change was made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and purpose of rule: The amended rule provides expanded opportunity for Illinois citizens to receive training grants to assist them with the costs of graduate library school. Due to the success of the program, the number of training program grants is increased from ten to fifteen. Because of the number of potential applicants who favor part-time rather than full-time school work, the grant program eligibility is expanded to include part-time study.

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of State, who is the State Librarian.

"State library" shall mean the Illinois State Library, as established pursuant to the State Library Act (Ill. Rev. Stat. 1985 109, Ch. 128, pars. 101 et seq.) (15 ILCS 320).

"Training Program" shall mean the Illinois State Library Training Program, as established by this Act.

(Source: Amended at 18 Ill. Reg., effective MAR 14 1994)

Section 3070.120 Number and Amount of Scholarship Training Program Grants

- a) The State Library shall award no more than 10 15 scholarships Training Program grants each academic year. The final number of scholarships grants awarded shall be determined by the amount of scholarship Training Program grant money available and the number of qualified applicants.
- b) The maximum scholarship Training Program grant to be awarded shall be \$7500.00 for the MBS Master of Library and Information Science program in which the successful applicant is enrolled. The scholarship A full-time training grant shall be paid in three installments of \$2500.00, at the beginning of the three graduate semesters or as required by the graduate school's tuition payment schedule. A part-time training grant will be paid in six installments of \$1,250.00, at the beginning of the six graduate semesters of as required by the graduate school's tuition payment schedule.

(Source: Amended at 18 Ill. Reg., effective MAR 14 1994)

Section 3070.130 Illinois Library Schools and Attendance Requirements

- a) The scholarship grant shall be awarded only to students who will attend an American Library Association accredited graduate school in Illinois.
- b) The accredited library graduate schools in Illinois and their required hours of instruction for full-time students are:
 - 1) Northern Illinois University--in DeKalb--Illinois--requires a minimum of 12 hours per semester, though graduate assistants may take fewer hours of instruction--and be considered full-time students--graduation requires a total of 36 credit hours--plus--9 prerequisite hours--from undergraduate school;
 - 2) Rosary College in River Forest, Illinois, requires a minimum of 3 courses per semester, a minimum of 2 courses per semester during summer instruction, and a total of 12 courses successfully completed for the award of a degree.
- 3) The University of Chicago--in Chicago--Illinois--requires a

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minimum of 3 courses per semester and 12 courses successfully completed for the award of a degree.

- 24) The University of Illinois in Urbana, Illinois, requires a minimum of 3 units or 12 credits per semester, and a total of 10 units for the award of a degree.

(Source: Amended at 18 Ill. Reg., effective MAR 14 1994)

Section 3070.140 Eligibility Requirements

- a) Each applicant must be a resident of Illinois and a citizen of the United States or its territories.
- b) Each applicant must have received a bachelor's degree from an accredited college or university, (with a transcript of all academic work submitted to the Illinois State Library.)
- c) Each applicant must be accepted at a graduate library school in Illinois accredited by the American Library Association.
- d) Each applicant must agree to sign an agreement with the State of Illinois, Illinois State Library, consenting to spend the equivalent of two years in full-time Illinois public library service within the first three years following graduation from graduate library school. Service must be in an Illinois Library and Information Network (ILININ) public library or at the Illinois State Library.
- e) Each applicant must not have commenced their graduate study for the Master of Library and Information Science.

(Source: Amended at 18 Ill. Reg., effective MAR 14 1994)

Section 3070.150 Application Process

- a) All applications must be submitted to: the Illinois State Library, Scholarship Training Program Grants, 288 Centennial Building 300 South Second Street, Springfield, Illinois 62756 62701-1796 437-782-78487 by February 1 of each year.
- b) All applications must be submitted on the written application form supplied by the State Library. The application form shall request personal identifying information concerning the applicant, the name and admittance date of the library school the applicant seeks to attend, the applicant's educational history and college transcripts, the collegiate extra academic activities of the applicant, any organizational affiliations of the applicant, the applicant's employment history, the names and addresses of three references, and an essay question to be answered by the applicant seeking to know why the applicant wants to be a librarian.

(Source: Amended at 18 Ill. Reg., effective MAR 14 1994)

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Section 3070.160 Selection of Scholarship Training Program Grantees

- a) A scholarship grant will be awarded to those applicants (not to exceed 10 15 per calendar year) who possess the best academic performance, i.e., grade point average, in comparison to the other applicants, and to the applicant's peers in his or her undergraduate school, whose personal interview by the State Library Advisory Committee's subcommittee on Public Library Services and whose answer to the essay question on the application form show the applicant to be a person genuinely interested in becoming a librarian in Illinois (i.e., by identifying their personal goals and by demonstrating their intellectual curiosity, initiative, leadership ability, flexibility, punctuality, dependability, creativity, and resourcefulness, among other qualities), whose extracurricular activities in college show the applicant to be a student with interest which can contribute to his or her success as a librarian; whose personal references recommend the applicant for the scholarship grant; and whose positive attitude and demeanor toward his or her work show that the applicant will work well in the library community, and who is likely to succeed academically in the Masters Master of Library and Information Science program based upon his or her past academic and extracurricular performance.
- b) Only applications which are postmarked by February May 1 of each calendar year will be considered.
- c) The successful scholarship grant applicants will be notified by May August 1 of each calendar year.
- d) The final decision regarding each applicant will be made by the Director of the State Library.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 3070.170 Conditions of Scholarship Training Program Grantees

- a) The successful applicants must submit proof of acceptance but not be enrolled in the graduate library program at a school specified in Section 3070.130(b) of this Part by August May 1 of each calendar year. No grant award may be utilized to defray or otherwise reimburse previous study and applicants may not be enrolled in the above-referenced graduate library at the time of submission of said application.
- b) The successful applicant must notify the State Library in writing of his/her proposed date of graduation from the Master of Library and Information Science program at least four (4) months before the date of graduation.
- c) The successful applicant must immediately notify in writing the State Library of other scholarships grants or loans being accepted by the applicant.
- d) The successful applicant must commence the Master of Library and Information Science program at the beginning of the next Fall academic

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semester, and must continue on a full-time full or a part-time basis with no interruptions or leaves of absence except upon the written approval of the Director of the State Library after consideration of the applicant's written request, i.e., personal emergency, illness, or disability.

- e) Recipient must forward an original or photocopy of the college's or university's official notification of grades of graduate library school courses for each semester of study to the Illinois State Library Scholarship Training Program Grants Committee within thirty days following the semester's conclusion.

- t) Scholarship Training Program Grant is subject to cancellation if a grade C average for each semester of graduate library courses is not maintained.

- g) If, for any reason, the scholarship grant recipient is unable to complete the required course program and receive the Master of Library and Information Science Degree, the recipient must refund the total amount of money received. The grant must also be repaid if the recipient fails to fulfill the personal services agreement for two years of full-time work in a qualifying Illinois library. In the event of other extenuating circumstances (i.e., unplanned, unforeseen crisis, emergencies, or situations beyond the recipient's control), the responsibility of the recipient will be reviewed and determined by the Director of the Illinois State Library.

- h) The recipient must satisfy the requirements of the personal services agreement with the Illinois State Library within the first three years following graduation from graduate library school. The recipient must submit to the Illinois State Library proof of employment by an Illinois public library or the Illinois State Library and proof of continued employment in such a library until the two-year work agreement has been fulfilled.

- i) The successful applicant must sign a written agreement evidencing all of these terms and conditions at the time of acceptance of the scholarship grant.

- j) The failure, either by neglect or willful misconduct, of the applicant to strictly adhere to the subsections (a) through (i) of this Section shall result in the forfeiture of the scholarship grant, and the scholarship grant shall be paid back to the State Library. If the two year work agreement is not fulfilled, the recipient shall repay the amount of the scholarship grant, or repay a pro-rated amount if only a fraction of the time is worked in a public library. The Director shall send a written paycheck order to the applicant. If the applicant wishes to contest the paycheck order, he or she shall be entitled to request a personal hearing before the Director. The request for a hearing must be made within 30 days of the date of the paycheck order. The hearing date, time, and location will be stated in a letter to the successful applicant which will be sent within 15 days of the receipt of the hearing request. The decision after the hearing by the Director is final.

- 1) The scholarship grant shall be paid back at the rate of at least

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\$100.00 per month, commencing within 90 days of the applicant's leaving the Masters program without successful completion or completion of the public library service agreement.

2) No interest on the unpaid balance shall be charged.

3) The State Library shall use the offset procedure with the Illinois Comptroller (74 Ill. Adm. Code 285) and the Illinois State Collection Act of 1986 (Ill. Rev. Stat. ~~1986~~ 1991 Supp, ch. 15, par. 151 et seq.) [30 ILCS 210] to collect any unpaid monies due to the State Library by any applicant.

(Source: Amended 18 Ill. Reg. _____, effective
MAR 14 1994)

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- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section Numbers: Adopted Action:
3040.300 New
3030.310 New
3030.320 New
3030.330 New
- 4) Statutory Authority: Implementing and authorized by the Illinois State Library Act (15 ILCS 320/7 {u})
- 5) Effective Date of Rules Amendments: **MAR 09 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: **MAR 09 1994**
- 9) Notice of Proposal Published in Illinois Register: October 22, 1993, 17 Ill. Reg. 18441
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: In response to a request by the Joint Committee for Administrative Rules, Section 3040.330 has been expanded to include specific grant criteria and application information..
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable
- 13) Will this rule replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule: This adopted rule provides the criteria for state-funded family literacy grants. Potential applicants for these projects are thereby informed of the grant program requirements.

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- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathleen Bloomberg
Associate Director
Illinois State Library
300 S. Second Street
Springfield, IL 62701-1796
Phone: (217) 785-0052

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3040
LITERACY GRANT PROGRAM

SUBPART A: LITERACY PROVIDER PROGRAM

Section	Purpose
3040.100	Definitions
3040.110	Application For Grant
3040.120	Review of Grant Applications
3040.130	Award of Grant, Interim Reports, and Final Report
3040.140	Cancellation of Grant
3040.150	Audit Procedures
3040.160	Other Requirements
3040.170	Invalidity
3040.180	

SUBPART B: WORKPLACE LITERACY PROGRAM

Section	Purpose
3040.200	Definitions
3040.210	Application For Grant
3040.220	Review of Grant Applications
3040.230	Award of Grant, Interim Reports, and Final Report
3040.240	Cancellation of Grant
3040.250	Other Requirements
3040.260	Invalidity
3040.270	

SUBPART C: FAMILY LITERACY PROGRAM

Section	Purpose
3040.300	Definitions
3040.310	Eligible Applicants
3040.320	Grant Applications
3040.330	

AUTHORITY: Implementing and authorized by the State Library Act (Ill. Rev. Stat. 1991, ch. 128, pars. 101 et seq.) {15 ILCS 320}.

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7231, effective May 10, 1993; amended at 18 Ill. Reg. _____, effective _____.

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b) Grant criteria may include but are not limited to the following:

- 1) Documented concentration of families with children at risk in the project area.
- 2) Involvement of a paid staff person to coordinate all aspects of the program.
- 3) A focus on reciprocal learning activities involving parents and children together.
- 4) The use of volunteers in the program.

c) Applications shall include the following information, at a minimum:

- 1) The name and address of the applicant.
- 2) The name and telephone number of the applicant's director or executive officer.
- 3) The name, address, telephone number, and signature of the applicant's fiscal officer who will receive any approved grant and be responsible for the grant funds.
- 4) The beginning and ending dates of the family literacy program.
- 5) The total amount of grant money requested for the family literacy program.
- 6) A brief and explicit description of the program's goals and objectives and how the goals and objectives address the grant criteria included in the application requirements.
- 7) A statement supported by statistics detailing the need for the literacy program in the particular community or geographic region of the grant applicant.
- 8) A statement of the methods to be used by the grant applicant to meet stated goals and objectives.
- 9) A statement of the applicant's plans to coordinate its efforts with other agencies cited in Section 3040.320 of this part. The specific names of the other agencies to be involved in the program shall be cited along with a statement or letter from the agencies stating their responsibility to the program.

SUBPART C: FAMILY LITERACY PROGRAM

Section 3040.300 Purpose

The family literacy program is part of the Literacy Grant Program established by the State Library Act {15 ILCS 320}. Family literacy funds made available by the State Librarian from state or federal sources will be used to involve public libraries, adult literacy programs, and children at risk programs in breaking the intergenerational cycle of illiteracy.

(Source: Added at 18 Ill. Reg. _____, effective MAR 09 1994)

Section 3040.310 Definitions

"Children at Risk Programs": Programs in which children, identified as being educationally disadvantaged because of social, economic or other factors, receive remedial instruction.

"Family Literacy": Reading, writing, and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and time to learn together.

(Source: Added at 18 Ill. Reg. _____, effective MAR 09 1994)

Section 3040.320 Eligible Applicants

Only applications that will provide involvement of an Illinois public library, an Illinois agency serving children at risk, and an Illinois agency with an adult literacy program shall be eligible for this grant program. The public library must be a member of an Illinois library system. The agency submitting the grant application and administering the use of the grant funds may be any one of the three agencies.

(Source: Added at 18 Ill. Reg. _____, effective MAR 09 1994)

Section 3040.330 Grant Applications

- a) Application requirements, including criteria, will be made available by the Illinois State Library by March 15 for the ensuing year. The maximum grant amount, if any, shall be specified in the requirements. The Illinois State Library Advisory Committee shall provide assistance in developing the criteria for the grants. Applications shall be submitted to the Illinois State Library on or before May 1 for the ensuing year. Applications not submitted on time or on the required forms shall not be considered for funding.

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- 10) A statement detailing plans to evaluate the program's objectives and accomplishments.
- 11) A statement on how the program will be continued without further grants.
- 12) The budget for the literacy program including revenue sources, expenditures by category (personnel, fringes, travel, equipment purchases, supplies, contractual services, and other), and local financial and in-kind support for the project.
- d) Applications shall be reviewed by the State Library staff in accordance with the criteria and requirements set forth in the application packet. When appropriate, the Director of the State Library may appoint a committee to assist in reviewing applications; such committee shall include membership from those types of agencies that are eligible to apply for the funds as defined in Section 3040.320 of this Part. The decision of the State Librarian is final.
- e) The number of grants to be awarded is at the discretion of the State Librarian within the confines of available funding.

(Source: Added at 18 Ill. Reg. _____, effective MAR 09 1994)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Library Construction Grants
- 2) Code Citation: 23 Ill. Adm. Code 3060
- 3) Section Numbers: Adopted Action:
 3060.100 Amendment
 3060.200 Amendment
 3060.400 Amendment
 3060.500 Amendment
 3060.600 Amendment
 3060.800 Amendment
 3060.900 Amendment
 3060.1000 Amendment
 3060.2000 Amendment
- 4) Statutory Authority: Implementing the Capital Development Bond Act of 1972 (30 ILCS 420/3) and authorized by the Illinois Library System Act (75 ILCS 10/3 and 10/8)
- 5) Effective Date of Rules Amendments: MAR 14 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: MAR 14 1994
- 9) Notice of Proposal Published in Illinois Register: October 22, 1993, 17 Ill. Reg. 18687
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: Section 3060.2000 has been changed to cite the qualifications of the administrative law judge who is responsible for any appeals hearing. The appointed appeals board has been eliminated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable
- 13) Will this rule replace an emergency rule currently in effect? Yes.
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rule: Changes in the application criteria and application process are made to bring the rules up to date; grants had not been awarded under this program for over five years. The priorities for grant funds are revised slightly with remodeling for accessibility projects continuing as the top priority and with other types of projects (e.g. new buildings, additions, and general remodeling) being considered as the second priority.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathleen Bloomberg
Associate Director
Illinois State Library
300 S. Second Street
Springfield, IL 62701-1796
Phone: (217) 785-0052

The full text of the adopted amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE B: CULTURAL RESOURCES

CHAPTER I: SECRETARY OF STATE

PART 3060

PUBLIC LIBRARY CONSTRUCTION GRANTS

SUBPART A: INTRODUCTION

Section	
3060.100	Program Purpose
3060.200	Duty to Administer
3060.400	Definitions

SUBPART B: GRANT APPLICATION

Section	
3060.500	Priorities in Library Grant Construction Proposals
3060.600	Grant Funding Limitations
3060.700	The Chicago Public Library Branches
3060.800	Grant Application Procedure
3060.900	Requirements and Conditions of Grant Funds
3060.1000	Remodeling for Accessibility

SUBPART C: APPEAL PROCEDURE

Section	
3060.2000	Appeal Procedure

APPENDIX A EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510, effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendments at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective

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SUBPART A: INTRODUCTION

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Section 3060.100 Program Purpose

To establish a program of matching State grants to aid in paying for the construction costs of public libraries and facilities for library systems within Illinois. Local money will be matched by State grants based on the category of grant as follows:

- a) Remodeling for Accessibility. Special projects where 70% - 100% of total project funds are to be used specifically for remodeling an existing building as outlined in Section 3060.1000. The State's share shall be 80% 50% of the project's total cost.
- b) ~~New-Construction--~~ Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation ~~programs~~, and renovation projects, including projects involving shared use of public facilities. For shared use public facilities, the costs allocated to the public library portion of the building are the only costs eligible for reimbursement under this grant program. The State's share shall be a maximum of 40% of the Project's total cost.
- c) ~~Additions--to--and/or--Remodeling--of--Existing--Buildings--Energy Conservation-Projects--and-Renovation-Projects--The-State's--share shall be 40% of the Project's total cost.~~

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 3060.200 Duty to Administer

- a) It shall be the duty of the Illinois Secretary of State, in his capacity as the Illinois State Librarian, to administer the provisions of this Part and to award any such grants, where appropriate, on an annual basis from funds appropriated from the Illinois General Assembly.
- b) The State Librarian shall add to, delete from, or modify the rules in accordance with the provisions of the Illinois Library System Act (~~Ill-Rev-Stat-1983-ch-817-pars-111-et-seq-7~~ [75 ILCS 10] as necessary for the administration of these construction grants.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 3060.400 Definitions

For the purposes of this Part:

"Act" means the Illinois Library Systems System Act ~~as amended--(Ill-Rev-Stat-1983-ch-817-pars-111-et-seq-7~~ [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded. If additional monies remain after the

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first application round (held in the fall), a second application round (in the spring) shall be held. Prospective grant applicants may apply during either round or both rounds.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library Systems System Act.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Equipment" includes:

Machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes, for example, fixtures, furnishings, shelving, and carpeting. "Equipment" does not include, for example, books, periodicals, films, or recordings.

"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library within an Illinois Library System. "Library" also means a branch library of a main library facility.

"Library system" means an organization defined at Section 2 of the Library System Act ~~as amended--(Ill-Rev-Stat-1983-ch-817-pars-111-et-seq-7~~ [75 ILCS 10].

"Political unit" refers to the local governing authority.

"State fiscal year" means the period from July 1 through June 30.

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(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

SUBPART B: GRANT APPLICATION

Section 3060.500 Priorities in Library Grant Construction Proposals

Library grant funds for library building construction in any one application round will be awarded according to the following priorities:

- a) Remodeling for Accessibility projects as outlined in Section 3060.1000. A minimum of 25% of the available funding will be allocated to this priority except during those application rounds when the amount of grant funds requested for accessibility projects is less than 25% of the available funding.
- b) Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation projects, and renovation projects, including projects involving shared use of public facilities.
- c) Addition to any existing building including related remodeling.
- d) Remodeling and renovation of an existing building including energy conservation projects.
- e) Library buildings libraries within political units or library system facilities which received any state or federal construction funding, whether under a library construction grant program or a specific appropriation, during the three prior state fiscal years and current state fiscal year.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 3060.600 Grant Funding Limitations

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round ~~total annual appropriation for such grants~~ unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.
- b) The maximum grant for each library political unit shall be \$250,000 per annual funding cycle unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (c) below.
- c) ~~There shall be no minimum grant for remodeling for accessibility projects.~~ The minimum grant awarded for other projects other than remodeling for accessibility shall be \$25,000. The maximum grant awarded for Remodeling for Accessibility projects shall not exceed

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\$100,000.00 \$75,000; the maximum grant awarded for other projects shall not exceed \$250,000.00.

- d) For projects of a unique nature, the Secretary of State, on the advice of the Illinois State Library Advisory Committee, may raise the ceiling or award less than the minimum grant amount and/or allow for consecutive years of funding.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

Section 3060.800 Grant Application Procedure

The following application procedures shall apply:

- a) An "Intent to Apply" letter shall be submitted to the respective Regional Planning Commission in advance of the application for a construction grant. A copy of the reply from the applicable Regional Planning Commission and a copy of the "Intent to Apply" letter shall be submitted to the Illinois State Library.
- b) The Illinois State Library shall issue application forms for library construction grants under this program.
- c) Applying libraries and library systems shall submit the completed library construction grant application together with the following documents or written assurances to be eligible for library construction grants:
 - 1) An assurance that the real estate affected by the proposed construction is available to the library or library system.
 - 2) The legal description of the affected real estate.
 - 3) An assurance that other funds are available or how they will be secured by the library. Funds which will be available upon the grant award may include a mortgage commitment letter from a lender or a promise to donate funds. Assurances from the applicant that various fund-raising activities will be undertaken in the future, where the amount to be raised remains uncertain, shall not be counted as part of the local matching funds for the purposes of section Section 3060.100.

- 4) A building program including preliminary construction plans.
- 5) A site plan of the proposed building.

- 6) An estimated cost per square foot (for additions and new construction).

- 7) A statement describing the necessity for the proposed project.
- 8) A statement of plans to meet existing library standards of service ("Avenues to Excellence II: Standards for Public Library Service in Illinois" - Chicago IL, Illinois Library Association, 1983 1989). The material incorporated by reference includes no later amendments or editions. This subsection shall not apply to library systems.

- 9) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

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- 10) An assurance that construction work will be performed by the lump sum (fixed price) contract method.
- 11) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid.
- 12) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects assisted by the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with "AN ACT regulating wages of laborers, mechanics, and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works" (Ill. Rev. Stat. 1985, ch. 48, pars. 99-1 et seq.) the Prevailing Wage Act (820 ILCS 130).
- 13) An assurance that a copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and that the permit shall be posted in a prominent place on the construction site.
- 14) An assurance that all contractors and subcontractors shall comply with the provision of the Copeland "Anti-Kick Back Act" (40 U.S.C. 276c (1982)) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.
- 15) An assurance that contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act (Ill. Rev. Stat. 1985, ch. 68, pars. 1-101 et seq.) [775 ILCS 5] and all Federal and State laws, rules, and regulations which prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.
- 16) An assurance that construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:
- The bidding procedure outlined in subsection (c)(11) was not followed.
 - The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.

- 17) An assurance that a revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. Such approval will be based on the exercise of professional judgment to insure that the provision of library services will not be harmed by the changes reflected in the revised budget. Such approval will also be based on the reduction in the contingency line item from five percent (5%) in the original budget to two percent (2%) of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets.
- 18) An assurance that a plaque will be placed in the completed building stating that State funds administered by the Secretary of State and State Librarian were used for the building's construction.
- 19) An assurance that permits any agent authorized by the Illinois State Library, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any records, books, papers, or documents, of the grantee involving transactions related to the grant.
- 20) An assurance that the construction will commence within one hundred forty (140) days of the effective date of the grant contract, and that the project will be completed within a reasonable length of time.
- 21) An assurance that a sign will be displayed on the construction site stating that State funds administered by the Secretary of State and State Librarian are being used for the construction.
- 22) An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: Quarterly narrative and financial reports; notification within 15 days of completion of the project; a close-out report which is a final financial and narrative report within 90 days of the completion of the project; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State.

- Financial reports shall show the amount of authorized State and local funds, expenditures, obligated funds by amount and by percentage of line item remaining as compared to the original budget.
- Narrative reports shall state the progress of the Project, accomplishments to date, problems encountered, objectives met and unmet, changes implemented, and the percentage of completion of the Project to date.
- The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the Project. The close-out report shall include a project audit report which shall be completed by an independent certified public

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accountant or accounting firm using generally accepted accounting principles. The project audit report shall include financial statements and compliance statements (which indicate that grant monies have been obligated in compliance with applicable laws and regulations of The State of Illinois and this Part.

23) An assurance that the building will remain in use as a public library or library system facility for not less than twenty years after its construction unless other use is approved by the Illinois State Library.

24) An assurance letter from the Historic Preservation Agency stating the project is in compliance with all of the requirements related to the National Register of Historic Places.

25) An assurance letter from the Illinois State Water Survey Division of the Illinois Department of Energy and Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources, the Illinois Department of Transportation, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages (this citation is for reference purposes and is not an incorporation by reference).

26) An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library; any change order of ten thousand dollars (\$10,000.00) or more will be submitted to the Illinois State Library for approval prior to being effected. The change order will be approved if the change does not have an adverse impact on library services.

d) All applications will be considered by the Illinois State Library Advisory Committee in accordance with the provisions of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 3060.900 Requirements and Conditions of Grant Funds

a) Building Construction Plans

1) Library buildings are to be planned for twenty (20) year population projection (for new construction and additions to buildings).

2) A library building consultant shall be retained by the grantee throughout the planning and construction if the total cost of the project exceeds \$150,000.00.

3) The architects and/or engineers employed in the design and construction of the project must be registered to practice in the State of Illinois.

4) The library must meet the eligibility criteria to qualify for per capita grants provided in Ill-Rev---Stat---1985---ch---817---par-

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118-1 75 ILCS 10/8.1, and submit an application for such grants. This subsection shall not apply to library systems.

5) The library or system facility shall provide access for the physically handicapped as required in "Accessibility Standards Illustrated" (71 Ill. Adm. Code 400), published by the Illinois Capital Development Board, and shall display the symbol of accessibility.

b) The library or library system shall own the proposed building site in fee simple title, or show the legal right to use the said premises for an unlimited duration.

c) A project will not be advertised or placed on the market for bidding until the final working drawings and specifications have been approved by the Illinois State Library.

d) All contracts for public library construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a local unit of government, consistent with State and local laws and regulations, and approved by the Illinois State Library as designed to assure construction in an economical manner consistent with sound business practices, such alternative procedure may be followed, as is consistent with State statutes and local ordinances.

e) Contractors and subcontractors shall submit with each request for payment the weekly payroll forms required by the Davis-Bacon Act (40 U.S.C. 327 et seq. (1982)). (Payroll-Form-WH-347-of---similar information)

f) The library system of which the applicant is a member shall be notified of the proposed project; a copy of the completed application shall be sent to the library system director by the applicant. This subsection shall not apply where the library system is the applicant. The Library Board shall establish and maintain such records and accounts as will permit accurate and expeditious audits at any time, before, during, and after completion of construction; such records shall be retained for not less than the time provided for by the Local Records Act; Ill-Rev-Stat-1985-ch-1167-par-49-101-et-seq- [50 ILCS 205].

h) The Library Board shall comply with all applicable provisions of the Illinois Purchasing Act (Ill-Rev-Stat-1985-ch-127-par-132-1 et-seq-) [30 ILCS 505].

i) The library must permit intersystem reciprocal borrowing.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 14 1994)

Section 3060.1000 Remodeling for Accessibility

Applications for special grants for Remodeling for Accessibility grants shall include:

a) A statement of which standards in the "Accessibility Standards

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Illustrated^u presently are unmet.

b) A statement describing how the project will meet these standards.

c) A supplemental detailed project budget showing costs for:

- 1) Elevators or lifts
- 2) Remodeling restrooms
- 3) Ramps
- 4) Entrances
- 5) Remodeling stairways
- 6) Telephones
- 7) Drinking fountains
- 8) Accessibility signs
- 9) Shifting of book stacks for 3-1/2 3 foot clear aisles
- 10) Total (1-9)

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 14 1994)

SUBPART C: APPEAL PROCEDURE

Section 3060.2000 Appeal Procedure

a) Whenever the Illinois State Library rejects a construction grant application, it shall so notify the applicant in writing within seven (7) days of the decision. The notice shall state with specificity the grounds for rejection. If a provision of these rules was used to reject the application, a copy of the rule shall be included in the notice.

b) Applicants may appeal the decision of the Illinois State Library by requesting a hearing within 30 days of receipt of the notice rejecting the application. The request shall be in writing and shall specify the grounds for the applicant's position that the application was rejected erroneously. The Illinois State Library shall notify the Illinois State Library Advisory Committee (ISLAC) of the requests for hearings.

c) Grounds for appeal

1) Grounds for appeal shall include the following:

The rules governing review of construction grant applications were not applied or were applied incorrectly by the Illinois State Library and/or the Illinois State Library Advisory Committee.

2) Grounds for appeal shall not include the following:

- A) The applicant would like to submit additional or clarifying information beyond the application deadline.
- B) Funds appropriated to fund the construction grant program remain unobligated after successful applicants were awarded grants.

d) Hearing arrangements

- 1) Upon receipt of a request for review, the State Librarian shall appoint an administrative law judge to officiate at the review

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hearing. The administrative law judge shall be an attorney licensed to practice law in Illinois or shall have experience in interpreting and applying Illinois administrative law. No person who has a bias or conflict of interest regarding the contested matter shall be appointed administrative law judge.

- 2) The hearing shall be held within thirty (30) days of the date of the request for an appeal. The date and time shall be at the mutual convenience of the applicant and the Illinois State Library. The hearing shall be held at the Illinois State Library in Springfield, Illinois.

e) The Illinois State Library shall serve notice either personally or by certified or registered mail upon the applicant. The notice shall include the following:

- 1) A statement of the time, place and nature of the hearing;
- 2) A statement of the legal authority and jurisdiction under which a hearing is to be held;
- 3) A reference to the particular Sections of the substantive and procedural statutes and rules involved.

4) A short and plain statement of the matter in controversy and the consequences of a party's failure to participate in the hearing;

5) The names and mailing addresses of the administrative law judge and all parties that have been given notice of the hearing.

f) Rules governing conduct of the hearing.

- 1) All parties may be represented by legal counsel and shall be afforded an opportunity to respond and present evidence and argument. Parties may agree by stipulation upon any facts involved in the hearing.

2) Disposition of the case may be made by stipulation, agreed settlement, consent order or default.

3) The record of the hearing shall include the following:

- A) All pleadings (including all notices and responses thereto), motions, and rulings;
- B) All evidence received;
- C) A statement of matters officially noticed;
- D) Any offers of proof, objections and ruling thereon;
- E) Any proposed findings and exceptions;
- F) Any decision, opinion or report by the administrative law judge;
- G) All staff memoranda and data submitted to the administrative law judge or the Illinois State Library in connection with the matter;

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 725
- 3) The Notice of Adopted Amendment being corrected originally appeared at 17 Ill. Reg. 20020 dated December 3, 1991.
- 4) The information being corrected is as follows:

A summary of the amendment follows:

On May 24, 1993, USEPA amended the treatment standards under the land disposal restrictions program for wastes displaying the characteristic of ignitability (EPA Hazard Code D001) other than those ignitable wastes containing greater than 10 percent total organic carbon (i.e. D001 high TOC Hazard Code D002) and corrosivity (EPA Hazard Code D002) that are managed in systems other than those regulated under the Clean Water Act (CWA), those zero dischargers treating wastewater by CWA-equivalent treatment prior to ultimate land disposal, and those injecting into Class I deep wells regulated under the Safe Drinking Water Act. That action was taken to comply with the September 25, 1992 decision of the U.S. Court of Appeals in Chemical Waste Management v. EPA, 976 F.2d 2 (D.C. Cir. 1992). The underlying rule at issue in the opinion was signed May 8, 1990, and published on June 1, 1990 (55 Fed. Reg. 22520). In the court's decision, the deactivation treatment standards for certain ignitable and corrosive wastes were vacated. Because land disposal of these wastes would be prohibited if no treatment standard is in place, USEPA replaced the vacated treatment standard before the court's mandate became effective to avoid an absolute ban on land disposal of these wastes.

Due to the timing of USEPA's action, the changes made in response to Chemical Waste Management did not appear in the proposed rule but were included in the final adopted rule.

The Section amended in the final rule which did not appear in the proposed rule is as follows (added language is indicated by underline):

Section 725.101 Purpose, Scope and Applicability

- c) The requirements of this Part do not apply to:

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC subcategory defined in 35 Ill. Adm. Code 728, Table D), or corrosive (D002) waste, in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 725.117(b);

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of Part: Land Disposal Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 728
- 3) The Notice of Adopted Amendments being corrected originally appeared at 17 Ill. Reg. 20692 dated December 3, 1993.
- 4) The information being corrected is as follows:

A summary of the amendments follows:

On May 24, 1993, USEPA amended the treatment standards under the land disposal restrictions program for wastes displaying the characteristic of ignitability (EPA Hazard Code D001) other than those ignitable wastes containing greater than 10 percent total organic carbon (i.e. D001 high TOC Hazard Code D002) and corrosivity (EPA Hazard Code D002) that are managed in systems other than those regulated under the Clean Water Act (CWA), those zero dischargers treating wastewater by CWA-equivalent treatment prior to ultimate land disposal, and those injecting into Class I deep wells regulated under the Safe Drinking Water Act. That action was taken to comply with the September 25, 1992 decision of the U.S. Court of Appeals in Chemical Waste Management v. EPA, 976 F.2d 2 (D.C. Cir. 1992). The underlying rule at issue in the opinion was signed May 8, 1990, and published on June 1, 1990 (55 Fed. Reg. 22520). In the court's decision, the deactivation treatment standards for certain ignitable and corrosive wastes were vacated. Because land disposal of these wastes would be prohibited if no treatment standard is in place, USEPA replaced the vacated treatment standard before the court's mandate became effective to avoid an absolute ban on land disposal of these wastes.

Due to the timing of USEPA's action, the changes made in response to Chemical Waste Management did not appear in the proposed rule but were included in the final adopted rule.

The Sections amended in the final rule which did not appear in the proposed rule are as follows:

- | | |
|-----------------|--|
| Section 728.101 | Subsections (e)(4) and (e)(5) are added. |
| Section 728.102 | Definition of "Underlying hazardous constituent" is added. |
| Section 728.107 | Introductory text of subsection |

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- | | |
|---------------------|--|
| | (a), and subsections (a)(1)(B) and (b)(4)(B) are revised. |
| Section 728.109 | Subsection (a) is revised. |
| Section 728.137 | Section is added. |
| Section 728.137 | Subsection (b) is revised. |
| Section 728.140 | Subsection (b) is revised. |
| Section 728.141 | Table CCWE, entry for F039 is amended by revising the "Waste code" and "See also" columns. |
| Section 728.Table B | The entry for F039 is amended by revising the "Waste code" and "See also" columns. |
| Section 728.Table D | The entries for D001 and D002 are revised. |

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3) The Notice of Adopted Amendment being corrected originally appeared at 17 Ill. Reg. 20830 dated December 3, 1993.
- 4) The information being corrected is as follows:

A summary of the amendment follows:

On May 24, 1993, USEPA amended the treatment standards under the land disposal restrictions program for wastes displaying the characteristic of ignitability (EPA Hazard Code D001) other than those ignitable wastes containing greater than 10 percent total organic carbon (i.e. D001 high TOC Hazard Code D002) and corrosivity (EPA Hazard Code D002) that are managed in systems other than those regulated under the Clean Water Act (CWA), those zero dischargers treating wastewater by CWA-equivalent treatment prior to ultimate land disposal, and those injecting into Class I deep wells regulated under the Safe Drinking Water Act. That action was taken to comply with the September 25, 1992 decision of the U.S. Court of Appeals in Chemical Waste Management v. EPA, 976 F.2d 2 (D.C. Cir. 1992). The underlying rule at issue in the opinion was signed May 8, 1990, and published on June 1, 1990 (55 Fed. Reg. 22520). In the court's decision, the deactivation treatment standards for certain ignitable and corrosive wastes were vacated. Because land disposal of these wastes would be prohibited if no treatment standard is in place, USEPA replaced the vacated treatment standard before the court's mandate became effective to avoid an absolute ban on land disposal of these wastes.

Due to the timing of USEPA's action, the changes made in response to Chemical Waste Management did not appear in the proposed rule but were included in the final adopted rule.

The Section amended in the final rule which did not appear in the proposed rule is as follows (added language is indicated by underline):

Section 724.101 Purpose, Scope and Applicability

- f) The requirements of this Part do not apply to:

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728, Table D), or corrosive (D002) waste, to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b) of this part;

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) **Heading of Part:** Standards for the Management of Used Oil
- 2) **Code Citation:** 35 Ill. Adm. Code 739
- 3) **The Notice of Adopted Rules being corrected originally appeared at 17 Ill. Reg. 20954 dated December 3, 1993.**
- 4) **The information being corrected is as follows:**

Changes from proposed to final rules are as follows:

Section 739.124 Special waste manifesting system requirement replaces EPA identification number requirement.

Section 739.142 Special waste manifesting system requirement replaces EPA identification number requirement.

Section 739.143 "EPA identification number" changed to "special waste number"

Section 739.146 "EPA identification number" changed to "special waste number"

Section 739.151 Special waste manifesting system requirement replaces EPA identification number requirement.

Section 739.156 "EPA identification number" changed to "special waste number"

Section 739.157 "EPA identification number" changed to "special waste number"

Section 739.158 "EPA identification number" changed to "special waste number"

Section 739.162 "EPA identification number" changed to "special waste number"

Section 739.165 "EPA identification number" changed to "special waste number"

Section 739.171 "EPA identification number" changed to "special waste number"

Section 739.173 "EPA identification number" changed to

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- "special waste number"
- Section 739.174 "EPA identification number" changed to "special waste number"

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC INFORMATION

PROPOSED CHANGE IN REIMBURSEMENTS TO HOSPITALS UNDER THE MEDICAID PROGRAM

Previously, the Department of Public Aid provided Public Notice about proposed changes in reimbursements for hospitals. Since that Public Notice, the Department has had discussions with the representatives of the hospital industry and has decided to make the following changes in reimbursement of hospitals instead of the changes proposed previously. These changes are proposed in accordance with and to ensure adherence to purchasing health care of adequate quality for those eligible for medical assistance in a prudent and cost effective manner, while at the same time ensuring that the related costs that must be incurred by efficiently and economically operated facilities are met and that recipients have reasonable access to medical services of adequate quality.

The reimbursement rates for hospital services will be maintained at the rates in effect on January 18, 1994, for a total of 18 months beginning with the month of April 1994. This change is estimated to decrease aggregate expenditures by approximately \$4 million for State fiscal year 1994 and by approximately \$134 million for State fiscal year 1995. The rules will expire June 30, 1995. Specific changes to the rates include the following provisions:

1. Provides for the application of an adjustment factor to add-on payments to hospitals in order to equalize aggregate payments during the period of July 1, 1994, through June 30, 1995, at the fiscal year 1994 level. Specifically this adjustment will be applied to the following payments:
 - Uncompensated care payments.
 - Trauma center payments.
 - Rehabilitation hospital payments.
 - Perinatal center payments.
 - Obstetrical care payments.
 - Targeted access payments. These payments will also be subject to an inflation-related adjustment.
 - Medicaid high volume payments.
2. Maintains outpatient indigent volume adjustments at the fiscal year 1994 levels.
3. Makes a number of changes in the reimbursement methodologies for hospitals which are reimbursed under the Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) and for hospitals which are reimbursed under non-DRG methodologies. These changes include an adjustment to DRG relative weighting factors.
4. Provides an appeal mechanism for any hospital that believes that it may face significant financial hardships by continuing to provide

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

NOTICE PURSUANT TO 415 ILCS 5/22.33(b)

Section 22.33(b) of the Environmental Protection Act (Act) (415 ILCS 5/22.33(b)) requires the Pollution Control Board to adopt regulations establishing performance standards for landscape waste compost facilities, as well as testing procedures and standards for the end-product compost produced by landscape waste compost facilities. On December 30, 1993 the Illinois Environmental Protection Agency (Agency) proposed regulations to the Board for the Board's consideration. Copies of the Agency's proposal are available from the Agency at the address below. The Board will be holding public hearings on the Agency proposal on the following dates:

Friday, April 15, 1994 Friday, April 22, 1994
 9:30 a.m. 10:00 a.m.
 James R. Thompson Center Council Chambers
 100 W. Randolph St. Municipal Bldg., 3rd Floor
 Ste. 9-040 7th & Monroe
 Chicago, IL 60601 Springfield, IL 62757

The Chicago hearing is reserved for the Agency's presentation of its proposed regulations and the questioning of the Agency's witnesses. Participants are requested to pre-file questions for the Agency by April 1, 1994. The Springfield hearing will begin with the Agency witnesses answering any remaining questions, and will then continue with other participants' presentation of testimony and exhibits. If you intend to testify, you must contact the Hearing Officer, Kevin Desharnais (312/814-6926), on or before March 25, 1994 and specify your topic(s). Participants wishing to testify shall also submit copies of pre-filed testimony and exhibits to the persons listed below on or before April 1, 1994. Participants are requested to submit questions concerning this pre-filed testimony to the person to whom the question is directed and to the persons listed below on or before April 15, 1994.

FILING REQUIREMENTS

Testimony, exhibits, and questions must be received by the Board and Agency by 4:30 p.m. on the applicable due date. The original and four (4) copies of the testimony, exhibits, and questions containing the docket number shall be filed with the Clerk of the Board, and a single copy shall be served on the Agency, at the addresses below:

Dorothy M. Gunn, Clerk
 Pollution Control Board
 100 W. Randolph Street
 Suite 11-500
 Chicago, IL 60601

Judith S. Dyer
 Illinois Environmental Protection Agency
 2200 Churchill Road
 P.O. Box 19276
 Springfield, IL 62791-9276
 217/782-5544

For questions, a single copy shall also be served on the person to whom the question is directed by 4:30 p.m. on the applicable due date.

At hearing, the Agency and participants must furnish the court reporter with a copy of all testimony, questions, and exhibits, and shall bring multiple copies of the testimony, questions, and exhibits to hearing. Any testimony which is not pre-submitted in a timely manner will be allowed only as time permits on hearing day.

Any post-hearing comment period will be established at a later time.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC INFORMATION

services under these rate changes. These provisions outline the information that must be provided by the hospital to initiate an appeal and the basis on which the Department will determine whether additional reimbursement should be provided.

If any person or entity wishes to comment on these changes, they may do so by sending comments to:

Illinois Department of Public Aid
Bureau of Rules and Regulations
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762-0001

Information on these changes may be reviewed at any local Public Aid office in counties other than Cook County. In Cook County, information on these changes may be reviewed at 310 South Michigan Avenue, Chicago, Illinois.

Emergency rules to implement these changes were published in the Illinois Register on February 4, 1994, at 18 Ill. Reg. 2150. Corresponding proposed rules were published in the same issue at 18 Ill. Reg. 1677. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 9, 1994 through March 15, 1994, and have been scheduled for review by the Committee at its March 22, 1994 or April 19, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/21/94	Illinois Emergency Management Agency, Emergency Services and Disaster Agencies' Establishment, Accreditation, and Workers' Compensation (29 Ill Adm Code 1300)	8/27/93 17 Ill Reg 13856	3/22/94
4/23/94	Department of Public Aid, Assistance Standards (89 Ill Adm Code 111)	12/31/93 17 Ill Reg 22262	4/19/94
4/23/94	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	12/31/93 17 Ill Reg 22247	4/19/94
4/23/94	Department of Public Aid, General Assistance (89 Ill Adm Code 114)	12/31/93 17 Ill Reg 22308	4/19/94
4/23/94	Department of Public Aid, Food Stamps (89 Ill Adm Code 121)	12/27/93 17 Ill Reg 21991	4/19/94
4/24/94	Illinois Commerce Commission, Rules of Practice (83 Ill Adm Code 200)	12/31/93 17 Ill Reg 22117	4/19/94
4/27/94	Department of Central Management Services, State of Illinois Employees' Deferred Compensation Plan (80 Ill Adm Code 2700)	11/19/93 17 Ill Reg 19755	4/19/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

ILLINOIS REGISTER

SECOND NOTICES RECEIVED
(Page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4 27 94	Environmental Protection Agency. Minimal Hazard Certification (35 Ill Adm Code 670)	10/29/93 17 Ill Reg 18730	4/19/94

PROCLAMATION

94-067
CASIMIR PULASKI DAY
(REVISED)

Whereas, Polish war hero Casimir Pulaski fought and died valiantly, helping colonial America win its battle for independence during the Revolutionary War; and

Whereas, born in Warka, Poland, on March 4, 1747, Casimir Pulaski symbolizes the courage, patriotism, and determination of Polish and Slavic Americans who have worked and fought to help make the United States the great country it is; and

Whereas, in as much as this individual was willing to make the supreme sacrifice through his death in battle while defending our nation, it is fitting that we, in Illinois, set aside the first Monday of each March to honor him as early Illinois settlers did by the naming of Pulaski County in Southern Illinois and Mt. Pulaski in Central Illinois after this great man; and

Whereas, the Polish American community of Illinois has contributed greatly to the rich ethnic diversity of the state in the areas of education, arts and sciences, agriculture, government, architecture, music and sports;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 7, 1994, as CASIMIR PULASKI DAY in Illinois.
Issued by the Governor February 25, 1994.
Filed with the Secretary of State March 11, 1994.

94-077
CHICAGO BUSINESS OPPORTUNITY DAYS

Whereas, the 27th annual Chicago Business Opportunity Fair, which is of special interest to Chicago-based businesses, will be held April 11-13, 1994; and

Whereas, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and

Whereas, Morton L. Topfer, executive vice-president of Motorola, Inc. and president of Land Mobile Products Sector, will serve as chairman of the fair's Sponsor's Committee; and

Whereas, the 27th Annual Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Regional Purchasing Council, Inc.--an organization devoted to stimulating minority purchasing in Chicago and the sponsor of the fair; and

Whereas, the Minority Business Subcouncil of the Chicago Regional Purchasing Council will hold its 16th Annual Awards

Program and Celebration on April 12, 1994, in honor of public and private sector representatives for their contributions to minority suppliers' growth and development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 11-13, 1994, as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois.

Issued by the Governor March 7, 1994.

Filed with the Secretary of State March 11, 1994.

94-078

MENTAL RETARDATION AND SPARC AWARENESS MONTH

Whereas, 7.2 million Americans are mentally retarded, and approximately 340,000 of those individuals are Illinois citizens; and

Whereas, the Springfield Association for Retarded Citizens (SPARC) has been in existence for 43 years; and

Whereas, SPARC's mission is to help people with developmental disabilities to improve the quality of their lives; and

Whereas, in Sangamon and Menard counties, SPARC assists 600 people with mental retardation; and

Whereas, the overwhelming majority of people with mental retardation can lead productive, self-sufficient lives;

Whereas, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1994 as MENTAL RETARDATION AND SPARC AWARENESS MONTH in Illinois and encourage Illinoisans to give their fellow citizens a chance to succeed in life to the best of their abilities.

Issued by the Governor March 7, 1994.

Filed with the Secretary of State March 11, 1994.

94-079

TREE CITY USA MONTH

Whereas, the urban forest resources of Illinois contribute to the quality of life and provide economic well-being by creating energy conservation benefits, improving environmental quality, enhancing social well-being, and increasing employment opportunities; and

Whereas, knowledge of the function and importance of community trees and the management of those trees as functional, sustainable ecosystems and important natural resources within Illinois is essential; and

Whereas, communities should be encouraged to strive to maintain healthy forest resources for enhanced public safety and well-being and work to provide a natural ecological balance through responsible stewardship, individually and collectively,

of the air, water, and land; and

Whereas, more than 110 communities have qualified as Tree City USA Communities and have made significant contributions toward enhancing the quality of life through improvement of the urban forest resources of Illinois;

Whereas, more than 35 of the Tree City USA communities have achieved recognition for having innovative community tree programs and, therefore, have received a "Growth Award" from the National Arbor Day Foundation; and

Whereas, units of local government have established or expanded local forestry programs and continue to enhance public land and provide employment opportunities through participation in programs sponsored by the Small Business Administration and the State of Illinois' Urban and Community Forestry Grant Program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1994 as TREE CITY USA MONTH in Illinois and encourage all citizens to work together to preserve the natural beauty of our state this month and throughout the year.

Issued by the Governor March 7, 1994.

Filed with the Secretary of State March 11, 1994.

94-080

AGRICULTURE DAY

Whereas, the United States is the World's largest producer and exporter of food and agricultural technology, which is a vital ingredient in our strength as a nation, both at home and abroad; and

Whereas, Illinois is a national and international leader in marketing agricultural products; and

Whereas, in order to maintain our healthy agricultural environment, Americans need to be aware of the effect of agriculture on their lives and well-being; and

Whereas, current issues such as food safety and protection of our environment have further emphasized the importance of a cooperative relationship between consumers and agriculture production; and

Whereas, Americans should recognize their personal stake in an abundant food and fiber supply;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 20, 1994, as AGRICULTURE DAY in Illinois. I urge citizens to recognize the importance of agriculture in our state by taking part in ceremonies and activities planned for this observance.

Issued by the Governor March 8, 1994.

Filed with the Secretary of State March 11, 1994.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PP - Prohibited Filing Order by JCAR (Joint Committee on Rules)
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-14225/93;A-609)
- 89 Ill. Adm. Code 260 Long-Term Care Insurance Partnership Demonstration Program (P-3802)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Act (P-14717;A-1825)
- 8 Ill. Adm. Code 75 Bovine Brucellosis (P-14728/93;A-1833)
- 8 Ill. Adm. Code 237 Cooperative Groundwater Protection Program (P-14288/93; A-205)
- 8 Ill. Adm. Code 20 Definitions (P-14793;A-1844)
- 8 Ill. Adm. Code 85 Diseased Animals (P-14747/93;A-1850)
- 8 Ill. Adm. Code 116 Equine Infectious Anemia Control (P-14761/93;A-1861)
- 68 Ill. Adm. Code 590 Feeder Swine Dealer Licensing (P-14765/93;A-1865)
- 8 Ill. Adm. Code 270 Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164)
- 8 Ill. Adm. Code 40 Livestock Auction Markets (P-14769/93;A-1869)
- 68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-14775/93;A-1875)
- 8 Ill. Adm. Code 125 Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809;A-4622)
- 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-14781/93;A-1880)
- 8 Ill. Adm. Code 600 Weights and Measures Act (E-4426)

ATTORNEY GENERAL

- 14 Ill. Adm. Code 200 Franchise Disclosure Act (PP-2522)

BOARD OF HIGHER EDUCATION

- 23 Ill. Adm. Code 1020 Health Services Education Grant (P-17639/93;A-4174)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-A-1886)
- 80 Ill. Adm. Code 302 Merit & Fitness (P-14788/93;A-1892)
- 80 Ill. Adm. Code 310 Pay Plan (P-13657/93;P-14314;A-227;A-1107)
- 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (A-3115)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
- 89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (P-2683)
- 89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-2700)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

- 80 Ill. Adm. Code 250 State Universities Civil Service System (P-18453/93;A-1901)

COMMERCE COMMISSION, ILLINOIS

- 92 Ill. Adm. Code 1376 Accounting & Financial Record Requirements (P-8630/93;A-1914)
- 83 Ill. Adm. Code 792 Imposition (P-11988/93;A-1919)
- 83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)
- 83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (P-202/93;A-676;M-795)
- 83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918)

- 83 Ill. Adm. Code 735 Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (P-927) (P-12483;A-4146)

- 92 Ill. Adm. Code 1236 Reinstatement of Revoked Operating Authority (P-8635/93;A-1924)

- 83 Ill. Adm. Code 285 Standard Information Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-2723)

- 83 Ill. Adm. Code 425 Uniform Electric Fuel Adjustment (P-4483)

- 92 Ill. Adm. Code 1375 Uniform System of Accounts (P-8635/93;A-1927)

- 83 Ill. Adm. Code 415 Uniform System of Accounts for Electric Utilities (P-937) (P-4490)

- 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-946)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-805)
- 14 Ill. Adm. Code 545 Technology Advancement & Development Act Program (P-839)
- 56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855)

COMMISSIONER OF BANKS AND TRUST COMPANIES

- 38 Ill. Adm. Code 380 Eligible State Bank (P-19347/93;A-4630)

COMMUNITY COLLEGE BOARD, ILLINOIS

- 23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College (P-569) (P-6686/93;A-4635)

COMPTROLLER, OFFICE OF THE

- 74 Ill. Adm. Code 275 Transfers Between Accounts Within a Fund Held by State Treasurer (P-1664) (E-2119)

CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 130 Camping on Department of Conservation Properties (P-18721/93;A-1126)
- 17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (P-4495)
- 17 Ill. Adm. Code 830 Commercial Fishing and Musseling in Certain Waters of the State (E-4761)
- 17 Ill. Adm. Code 2520 Consignment of Licenses (P-3821)
- 17 Ill. Adm. Code 730 Dove Hunting Season (P-3830)
- 17 Ill. Adm. Code 910 Field Trials on Department-Owned Managed Sites (P-3846)
- 17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-16273/93;A-1134)
- 17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-16285/93;A-1142)
- 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Beaver and Woodchuck (P-3853)
- 17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered or Threatened Species (P-1)
- 17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (P-3868)
- 17 Ill. Adm. Code 4010 Register of Land & Water Reserves (P-578)
- 17 Ill. Adm. Code 810 Sport Fishing Regulations for the Waters of Illinois (P-19785/93;A-3277)
- 17 Ill. Adm. Code 690 Squirrel Hunting (P-3193)
- 17 Ill. Adm. Code 720 Taking of Wild Turkeys-Spring Season, The (P-18927/93;A-1156) (E-3751)
- 17 Ill. Adm. Code 715 Taking of Wild Turkeys-Fall Archery Season, The (P-3884)
- 17 Ill. Adm. Code 715 Taking of Wild Turkeys-Fall Gun Season, The (P-3895)
- 17 Ill. Adm. Code 740 Woodcock, Snipe, Rail, and Gull Hunting (P-3986)

CORRECTIONS, DEPARTMENT OF

- 20 Ill. Adm. Code 420 Assignment of Committed Persons (P-19367/93;A-2929)
- 20 Ill. Adm. Code 460 Impact Incarceration Program (P-19371/93;A-2933)
- 20 Ill. Adm. Code 107 Records of Committed Persons (P-19377/93;A-2939)
- 20 Ill. Adm. Code 405 School District (P-19405/93;A-2970)

CRIMINAL JUSTICE INFORMATION AUTHORITY

- 20 Ill. Adm. Code 1570 Fees for Processing Requests for Conviction Information (P-21136/93;A-4679)
- 20 Ill. Adm. Code 1810 Rules for the Award and Monitoring of Trust Funds (P-20516/93;A-4834)
- 20 Ill. Adm. Code 1800 Trust Fund Collection Rules (P-20539/93;A-4852)

EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-10061/93;A-1169)
- 23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-10079/93;A-1171)
- 23 Ill. Adm. Code 226 Special Education (P-13231/93;A-1930)(A-4685)
- 23 Ill. Adm. Code 170 Sprinkler System (P-18419/93;A-4699)
- 23 Ill. Adm. Code 245 Urban Education Partnership Program (P-10131/93;A-237)

EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2915 Academic Personnel (P-19415/93;A-4154)
- 56 Ill. Adm. Code 2865 Claimant's Availability for Work, Ability to Work and Active Search for Work (P-19421/93;A-4160)
- 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-17628/93;A-250)
- 56 Ill. Adm. Code 2920 Disqualifying Income and Reduced Benefits (P-19427/93;A-4166)
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89 Ill. Adm. Code 1200 Program Content & Guidelines for Division of Specialized Care for Children (P-7780/93; A-2104)

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Notice of Public Meeting-State Banking Board of Ill. and the Board of Trustees of the Ill. bank Examiner's Education Foundation

ENVIRONMENTAL PROTECTION AGENCY

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Meeting of February 15, 1994

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94-8 African-American Unity March Day

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This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.05 was proposed last year and adopted this year. The action entry reads: (P-15655/93; A-4520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
CC = Codification Changes
RQ = Request for Correction

[illegible]

[Title 2, cont.]	925,110	am	(P-525)	125,270	am	(P-304) (E-2164)	100,210	am	(P-20094/93.A-4811)
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	am	(P-525)	257,20	am	(P-14,286/93, A-205)	100,280	am	(P-20094/93.A-4811)	
925,220	am	(P-525)	257,30	am	(P-14,286/93, A-205)	100,300	am	(P-20094/93.A-4811)	
	am	(P-525)	257,40	am	(P-14,286/93, A-205)	100,330	am	(P-20094/93.A-4811)	
925,230	am	(P-525)	257,50	am	(P-14,286/93, A-205)	100,350	am	(P-20094/93.A-4811)	
	am	(P-525)	257,60	am	(P-14,286/93, A-205)	100,380	am	(P-20094/93.A-4811)	
925,240	am	(P-525)	257,70	am	(P-14,286/93, A-205)	100,400	am	(P-20094/93.A-4811)	
	am	(P-525)	257,80	am	(P-14,286/93, A-205)	100,430	am	(P-20094/93.A-4811)	
925,250	am	(P-525)	257,90	am	(P-14,286/93, A-205)	100,450	am	(P-20094/93.A-4811)	
	f	(P-512)	257,00	am	(P-14,286/93, A-205)	100,480	am	(P-20094/93.A-4811)	
925,260	f	(P-512)	257,10	am	(P-14,286/93, A-205)	100,500	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	100,530	am	(P-20094/93.A-4811)	
925,270	am	(P-512)	257,30	am	(P-14,286/93, A-205)	100,560	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	100,590	am	(P-20094/93.A-4811)	
925,280	f	(P-512)	257,50	am	(P-14,286/93, A-205)	100,620	am	(P-20094/93.A-4811)	
	f	(P-512)	257,60	am	(P-14,286/93, A-205)	100,650	am	(P-20094/93.A-4811)	
925,290	f	(P-512)	257,70	am	(P-14,286/93, A-205)	100,680	am	(P-20094/93.A-4811)	
	f	(P-512)	257,80	am	(P-14,286/93, A-205)	100,710	am	(P-20094/93.A-4811)	
925,300	f	(P-512)	257,90	am	(P-14,286/93, A-205)	100,740	am	(P-20094/93.A-4811)	
	f	(P-512)	257,00	am	(P-14,286/93, A-205)	100,770	am	(P-20094/93.A-4811)	
925,310	am	(P-512)	257,10	am	(P-14,286/93, A-205)	100,800	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	100,830	am	(P-20094/93.A-4811)	
925,320	am	(P-512)	257,30	am	(P-14,286/93, A-205)	100,860	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	100,890	am	(P-20094/93.A-4811)	
925,330	am	(P-512)	257,50	am	(P-14,286/93, A-205)	100,920	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60	am	(P-14,286/93, A-205)	100,950	am	(P-20094/93.A-4811)	
925,340	am	(P-512)	257,70	am	(P-14,286/93, A-205)	100,980	am	(P-20094/93.A-4811)	
	am	(P-512)	257,80	am	(P-14,286/93, A-205)	101,010	am	(P-20094/93.A-4811)	
925,350	am	(P-512)	257,90	am	(P-14,286/93, A-205)	101,040	am	(P-20094/93.A-4811)	
	am	(P-512)	257,00	am	(P-14,286/93, A-205)	101,070	am	(P-20094/93.A-4811)	
925,360	am	(P-512)	257,10	am	(P-14,286/93, A-205)	101,100	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	101,130	am	(P-20094/93.A-4811)	
925,370	am	(P-512)	257,30	am	(P-14,286/93, A-205)	101,160	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	101,190	am	(P-20094/93.A-4811)	
925,380	am	(P-512)	257,50	am	(P-14,286/93, A-205)	101,220	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60	am	(P-14,286/93, A-205)	101,250	am	(P-20094/93.A-4811)	
925,390	am	(P-512)	257,70	am	(P-14,286/93, A-205)	101,280	am	(P-20094/93.A-4811)	
	am	(P-512)	257,80	am	(P-14,286/93, A-205)	101,310	am	(P-20094/93.A-4811)	
925,400	am	(P-512)	257,90	am	(P-14,286/93, A-205)	101,340	am	(P-20094/93.A-4811)	
	am	(P-512)	257,00	am	(P-14,286/93, A-205)	101,370	am	(P-20094/93.A-4811)	
925,410	am	(P-512)	257,10	am	(P-14,286/93, A-205)	101,400	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	101,430	am	(P-20094/93.A-4811)	
925,420	am	(P-512)	257,30	am	(P-14,286/93, A-205)	101,460	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	101,490	am	(P-20094/93.A-4811)	
925,430	am	(P-512)	257,50	am	(P-14,286/93, A-205)	101,520	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60	am	(P-14,286/93, A-205)	101,550	am	(P-20094/93.A-4811)	
925,440	am	(P-512)	257,70	am	(P-14,286/93, A-205)	101,580	am	(P-20094/93.A-4811)	
	am	(P-512)	257,80	am	(P-14,286/93, A-205)	101,610	am	(P-20094/93.A-4811)	
925,450	am	(P-512)	257,90	am	(P-14,286/93, A-205)	101,640	am	(P-20094/93.A-4811)	
	am	(P-512)	257,00	am	(P-14,286/93, A-205)	101,670	am	(P-20094/93.A-4811)	
925,460	am	(P-512)	257,10	am	(P-14,286/93, A-205)	101,700	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	101,730	am	(P-20094/93.A-4811)	
925,470	am	(P-512)	257,30	am	(P-14,286/93, A-205)	101,760	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	101,790	am	(P-20094/93.A-4811)	
925,480	am	(P-512)	257,50	am	(P-14,286/93, A-205)	101,820	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60	am	(P-14,286/93, A-205)	101,850	am	(P-20094/93.A-4811)	
925,490	am	(P-512)	257,70	am	(P-14,286/93, A-205)	101,880	am	(P-20094/93.A-4811)	
	am	(P-512)	257,80	am	(P-14,286/93, A-205)	101,910	am	(P-20094/93.A-4811)	
925,500	am	(P-512)	257,90	am	(P-14,286/93, A-205)	101,940	am	(P-20094/93.A-4811)	
	am	(P-512)	257,00	am	(P-14,286/93, A-205)	101,970	am	(P-20094/93.A-4811)	
925,510	am	(P-512)	257,10	am	(P-14,286/93, A-205)	102,000	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	102,030	am	(P-20094/93.A-4811)	
925,520	am	(P-512)	257,30	am	(P-14,286/93, A-205)	102,060	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	102,090	am	(P-20094/93.A-4811)	
925,530	am	(P-512)	257,50	am	(P-14,286/93, A-205)	102,120	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60	am	(P-14,286/93, A-205)	102,150	am	(P-20094/93.A-4811)	
925,540	am	(P-512)	257,70	am	(P-14,286/93, A-205)	102,180	am	(P-20094/93.A-4811)	
	am	(P-512)	257,80	am	(P-14,286/93, A-205)	102,210	am	(P-20094/93.A-4811)	
925,550	am	(P-512)	257,90	am	(P-14,286/93, A-205)	102,240	am	(P-20094/93.A-4811)	
	am	(P-512)	257,00	am	(P-14,286/93, A-205)	102,270	am	(P-20094/93.A-4811)	
925,560	am	(P-512)	257,10	am	(P-14,286/93, A-205)	102,300	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	102,330	am	(P-20094/93.A-4811)	
925,570	am	(P-512)	257,30	am	(P-14,286/93, A-205)	102,360	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	102,390	am	(P-20094/93.A-4811)	
925,580	am	(P-512)	257,50	am	(P-14,286/93, A-205)	102,420	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60	am	(P-14,286/93, A-205)	102,450	am	(P-20094/93.A-4811)	
925,590	am	(P-512)	257,70	am	(P-14,286/93, A-205)	102,480	am	(P-20094/93.A-4811)	
	am	(P-512)	257,80	am	(P-14,286/93, A-205)	102,510	am	(P-20094/93.A-4811)	
925,600	am	(P-512)	257,90	am	(P-14,286/93, A-205)	102,540	am	(P-20094/93.A-4811)	
	am	(P-512)	257,00	am	(P-14,286/93, A-205)	102,570	am	(P-20094/93.A-4811)	
925,610	am	(P-512)	257,10	am	(P-14,286/93, A-205)	102,600	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	102,630	am	(P-20094/93.A-4811)	
925,620	am	(P-512)	257,30	am	(P-14,286/93, A-205)	102,660	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	102,690	am	(P-20094/93.A-4811)	
925,630	am	(P-512)	257,50	am	(P-14,286/93, A-205)	102,720	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60	am	(P-14,286/93, A-205)	102,750	am	(P-20094/93.A-4811)	
925,640	am	(P-512)	257,70	am	(P-14,286/93, A-205)	102,780	am	(P-20094/93.A-4811)	
	am	(P-512)	257,80	am	(P-14,286/93, A-205)	102,810	am	(P-20094/93.A-4811)	
925,650	am	(P-512)	257,90	am	(P-14,286/93, A-205)	102,840	am	(P-20094/93.A-4811)	
	am	(P-512)	257,00	am	(P-14,286/93, A-205)	102,870	am	(P-20094/93.A-4811)	
925,660	am	(P-512)	257,10	am	(P-14,286/93, A-205)	102,900	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	102,930	am	(P-20094/93.A-4811)	
925,670	am	(P-512)	257,30	am	(P-14,286/93, A-205)	102,960	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	102,990	am	(P-20094/93.A-4811)	
925,680	am	(P-512)	257,50	am	(P-14,286/93, A-205)	103,020	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60	am	(P-14,286/93, A-205)	103,050	am	(P-20094/93.A-4811)	
925,690	am	(P-512)	257,70	am	(P-14,286/93, A-205)	103,080	am	(P-20094/93.A-4811)	
	am	(P-512)	257,80	am	(P-14,286/93, A-205)	103,110	am	(P-20094/93.A-4811)	
925,700	am	(P-512)	257,90	am	(P-14,286/93, A-205)	103,140	am	(P-20094/93.A-4811)	
	am	(P-512)	257,00	am	(P-14,286/93, A-205)	103,170	am	(P-20094/93.A-4811)	
925,710	am	(P-512)	257,10	am	(P-14,286/93, A-205)	103,200	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	103,230	am	(P-20094/93.A-4811)	
925,720	am	(P-512)	257,30	am	(P-14,286/93, A-205)	103,260	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	103,290	am	(P-20094/93.A-4811)	
925,730	am	(P-512)	257,50	am	(P-14,286/93, A-205)	103,320	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60	am	(P-14,286/93, A-205)	103,350	am	(P-20094/93.A-4811)	
925,740	am	(P-512)	257,70	am	(P-14,286/93, A-205)	103,380	am	(P-20094/93.A-4811)	
	am	(P-512)	257,80	am	(P-14,286/93, A-205)	103,410	am	(P-20094/93.A-4811)	
925,750	am	(P-512)	257,90	am	(P-14,286/93, A-205)	103,440	am	(P-20094/93.A-4811)	
	am	(P-512)	257,00	am	(P-14,286/93, A-205)	103,470	am	(P-20094/93.A-4811)	
925,760	am	(P-512)	257,10	am	(P-14,286/93, A-205)	103,500	am	(P-20094/93.A-4811)	
	am	(P-512)	257,20	am	(P-14,286/93, A-205)	103,530	am	(P-20094/93.A-4811)	
925,770	am	(P-512)	257,30	am	(P-14,286/93, A-205)	103,560	am	(P-20094/93.A-4811)	
	am	(P-512)	257,40	am	(P-14,286/93, A-205)	103,590	am	(P-20094/93.A-4811)	
925,780	am	(P-512)	257,50	am	(P-14,286/93, A-205)	103,620	am	(P-20094/93.A-4811)	
	am	(P-512)	257,60						

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(Title 23		(Title 24		(Title 25		(Title 26		(Title 27		(Title 28		(Title 29		(Title 30		(Title 31		(Title 32		(Title 33		(Title 34		(Title 35		(Title 36		(Title 37		(Title 38		(Title 39		(Title 40		(Title 41		(Title 42		(Title 43		(Title 44		(Title 45		(Title 46		(Title 47		(Title 48		(Title 49		(Title 50		(Title 51		(Title 52		(Title 53		(Title 54		(Title 55		(Title 56		(Title 57		(Title 58		(Title 59		(Title 60		(Title 61		(Title 62		(Title 63		(Title 64		(Title 65		(Title 66		(Title 67		(Title 68		(Title 69		(Title 70		(Title 71		(Title 72		(Title 73		(Title 74		(Title 75		(Title 76		(Title 77		(Title 78		(Title 79		(Title 80		(Title 81		(Title 82		(Title 83		(Title 84		(Title 85		(Title 86		(Title 87		(Title 88		(Title 89		(Title 90		(Title 91		(Title 92		(Title 93		(Title 94		(Title 95		(Title 96		(Title 97		(Title 98		(Title 99		(Title 100		(Title 101		(Title 102		(Title 103		(Title 104		(Title 105		(Title 106		(Title 107		(Title 108		(Title 109		(Title 110		(Title 111		(Title 112		(Title 113		(Title 114		(Title 115		(Title 116		(Title 117		(Title 118		(Title 119		(Title 120		(Title 121		(Title 122		(Title 123		(Title 124		(Title 125		(Title 126		(Title 127		(Title 128		(Title 129		(Title 130		(Title 131		(Title 132		(Title 133		(Title 134		(Title 135		(Title 136		(Title 137		(Title 138		(Title 139		(Title 140		(Title 141		(Title 142		(Title 143		(Title 144		(Title 145		(Title 146		(Title 147		(Title 148		(Title 149		(Title 150		(Title 151		(Title 152		(Title 153		(Title 154		(Title 155		(Title 156		(Title 157		(Title 158		(Title 159		(Title 160		(Title 161		(Title 162		(Title 163		(Title 164		(Title 165		(Title 166		(Title 167		(Title 168		(Title 169		(Title 170		(Title 171		(Title 172		(Title 173		(Title 174		(Title 175		(Title 176		(Title 177		(Title 178		(Title 179		(Title 180		(Title 181		(Title 182		(Title 183		(Title 184		(Title 185		(Title 186		(Title 187		(Title 188		(Title 189		(Title 190		(Title 191		(Title 192		(Title 193		(Title 194		(Title 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(Title 32, cont.)										(Title 35, cont.)										
331.130	am	(P-3045)	390.20	am	(P-8666/93.A-3143)	505.2700	n	(P-15220/93.A-2317)	331.17	am	(P-15220/93.A-2317)	211.0710	n	(P-12491/93.A-1253)	399.50	n	(P-2552)	739.162	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.30	am	(P-3045)	390.30	am	(P-8666/93.A-3143)	505.2800	n	(P-15220/93.A-2317)	331.30	am	(P-15220/93.A-2317)	211.0730	n	(P-12491/93.A-1253)	399.60	n	(P-2552)	739.164	am	(P-4551)
331.40	am	(P-3045)	390.40	am	(P-8666/93.A-3143)	505.2900	n	(P-15220/93.A-2317)	331.40	am	(P-15220/93.A-2317)	211.0750	n	(P-12491/93.A-1253)	399.70	n	(P-2552)	739.165	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.60	am	(P-10701/93.A-3128)	390.60	am	(P-8666/93.A-3143)	505.2900	n	(P-15220/93.A-2317)	331.60	am	(P-15220/93.A-2317)	212.113	am	(P-12491/93.A-1253)	399.130	n	(P-2552)	739.170	am	(P-4551)
331.70	am	(P-9787/93.A-3128)	390.70	am	(P-8665/93.A-3132)	505.3000	n	(P-15220/93.A-2317)	331.70	am	(P-15220/93.A-2317)	212.700	n	(P-8667)	399.140	n	(P-2552)	739.171	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.80	am	(P-9787/93.A-3128)	400.10	am	(P-8665/93.A-3132)	505.3100	n	(P-15220/93.A-2317)	331.80	am	(P-15220/93.A-2317)	212.702	n	(P-8667)	399.140	n	(P-2552)	739.172	am	(P-4551)
331.90	am	(P-9787/93.A-3128)	400.10	am	(P-8665/93.A-3132)	505.3200	n	(P-15220/93.A-2317)	331.90	am	(P-15220/93.A-2317)	212.703	n	(P-8667)	703.46	am	(P-4081)	739.173	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.30	n	(P-9787/93.A-3128)	400.10	am	(P-8665/93.A-3132)	505.3300	n	(P-15220/93.A-2317)	331.30	n	(P-8665/93.A-3132)	212.704	n	(P-8667)	703.46	am	(P-4081)	739.174	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.40	n	(P-9787/93.A-3128)	400.10	am	(P-8665/93.A-3132)	505.3400	n	(P-15220/93.A-2317)	331.40	n	(P-8665/93.A-3132)	212.705	n	(P-8667)	721.104	am	(P-4081)	739.175	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.50	n	(P-9787/93.A-3128)	400.10	am	(P-8665/93.A-3132)	505.3500	n	(P-15220/93.A-2317)	331.50	n	(P-8665/93.A-3132)	212.706	n	(P-8667)	721.105	am	(P-4081)	739.176	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.60	am	(P-13933/93.A-4196)	405.10	am	(P-3326)	505.100	n	(P-15220/93.A-2317)	331.60	am	(P-3326)	218.108	am	(P-12491/93.A-1945)	739.177	am	(P-4551)	739.177	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.70	am	(P-13933/93.A-4196)	405.20	n	(P-3326)	505.20	n	(P-15220/93.A-2317)	331.70	am	(P-3326)	218.109	am	(P-12491/93.A-1945)	739.178	am	(P-4551)	739.178	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.80	am	(P-13933/93.A-4196)	405.30	n	(P-3326)	505.30	n	(P-15220/93.A-2317)	331.80	am	(P-3326)	218.110	am	(P-12491/93.A-1945)	739.179	am	(P-4551)	739.179	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.90	am	(P-13933/93.A-4196)	405.40	n	(P-3326)	505.40	n	(P-15220/93.A-2317)	331.90	am	(P-3326)	218.111	am	(P-12491/93.A-1945)	739.180	am	(P-4551)	739.180	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.100	am	(P-13933/93.A-4196)	405.50	n	(P-3326)	505.50	n	(P-15220/93.A-2317)	331.100	am	(P-3326)	218.112	am	(P-12491/93.A-1945)	739.181	am	(P-4551)	739.181	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.110	am	(P-13933/93.A-4196)	405.60	n	(P-3326)	505.60	n	(P-15220/93.A-2317)	331.110	am	(P-3326)	218.113	am	(P-12491/93.A-1945)	739.182	am	(P-4551)	739.182	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.120	am	(P-13933/93.A-4196)	405.70	n	(P-3326)	505.70	n	(P-15220/93.A-2317)	331.120	am	(P-3326)	218.114	am	(P-12491/93.A-1945)	739.183	am	(P-4551)	739.183	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.130	am	(P-13933/93.A-4196)	405.80	n	(P-3326)	505.80	n	(P-15220/93.A-2317)	331.130	am	(P-3326)	218.115	am	(P-12491/93.A-1945)	739.184	am	(P-4551)	739.184	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.140	am	(P-13933/93.A-4196)	405.90	n	(P-3326)	505.90	n	(P-15220/93.A-2317)	331.140	am	(P-3326)	218.116	am	(P-12491/93.A-1945)	739.185	am	(P-4551)	739.185	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.150	am	(P-13933/93.A-4196)	405.100	am	(P-3326)	505.100	n	(P-15220/93.A-2317)	331.150	am	(P-3326)	218.117	am	(P-12491/93.A-1945)	739.186	am	(P-4551)	739.186	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.160	am	(P-13933/93.A-4196)	405.120	n	(P-3326)	505.120	n	(P-15220/93.A-2317)	331.160	am	(P-3326)	218.118	am	(P-12491/93.A-1945)	739.187	am	(P-4551)	739.187	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.170	am	(P-13933/93.A-4196)	405.140	n	(P-3326)	505.140	n	(P-15220/93.A-2317)	331.170	am	(P-3326)	218.119	am	(P-12491/93.A-1945)	739.188	am	(P-4551)	739.188	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.180	am	(P-13933/93.A-4196)	405.160	n	(P-3326)	505.160	n	(P-15220/93.A-2317)	331.180	am	(P-3326)	218.120	am	(P-12491/93.A-1945)	739.189	am	(P-4551)	739.189	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.190	am	(P-13933/93.A-4196)	405.180	n	(P-3326)	505.180	n	(P-15220/93.A-2317)	331.190	am	(P-3326)	218.121	am	(P-12491/93.A-1945)	739.190	am	(P-4551)	739.190	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.200	am	(P-13933/93.A-4196)	405.200	n	(P-3326)	505.200	n	(P-15220/93.A-2317)	331.200	am	(P-3326)	218.122	am	(P-12491/93.A-1945)	739.191	am	(P-4551)	739.191	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.210	am	(P-13933/93.A-4196)	405.220	n	(P-3326)	505.220	n	(P-15220/93.A-2317)	331.210	am	(P-3326)	218.123	am	(P-12491/93.A-1945)	739.192	am	(P-4551)	739.192	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.220	am	(P-13933/93.A-4196)	405.240	n	(P-3326)	505.240	n	(P-15220/93.A-2317)	331.220	am	(P-3326)	218.124	am	(P-12491/93.A-1945)	739.193	am	(P-4551)	739.193	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.230	am	(P-13933/93.A-4196)	405.260	n	(P-3326)	505.260	n	(P-15220/93.A-2317)	331.230	am	(P-3326)	218.125	am	(P-12491/93.A-1945)	739.194	am	(P-4551)	739.194	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.240	am	(P-13933/93.A-4196)	405.280	n	(P-3326)	505.280	n	(P-15220/93.A-2317)	331.240	am	(P-3326)	218.126	am	(P-12491/93.A-1945)	739.195	am	(P-4551)	739.195	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.250	am	(P-13933/93.A-4196)	405.300	n	(P-3326)	505.300	n	(P-15220/93.A-2317)	331.250	am	(P-3326)	218.127	am	(P-12491/93.A-1945)	739.196	am	(P-4551)	739.196	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.260	am	(P-13933/93.A-4196)	405.320	n	(P-3326)	505.320	n	(P-15220/93.A-2317)	331.260	am	(P-3326)	218.128	am	(P-12491/93.A-1945)	739.197	am	(P-4551)	739.197	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.270	am	(P-13933/93.A-4196)	405.340	n	(P-3326)	505.340	n	(P-15220/93.A-2317)	331.270	am	(P-3326)	218.129	am	(P-12491/93.A-1945)	739.198	am	(P-4551)	739.198	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.280	am	(P-13933/93.A-4196)	405.360	n	(P-3326)	505.360	n	(P-15220/93.A-2317)	331.280	am	(P-3326)	218.130	am	(P-12491/93.A-1945)	739.199	am	(P-4551)	739.199	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.290	am	(P-13933/93.A-4196)	405.380	n	(P-3326)	505.380	n	(P-15220/93.A-2317)	331.290	am	(P-3326)	218.131	am	(P-12491/93.A-1945)	739.200	am	(P-4551)	739.200	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.300	am	(P-13933/93.A-4196)	405.400	n	(P-3326)	505.400	n	(P-15220/93.A-2317)	331.300	am	(P-3326)	218.132	am	(P-12491/93.A-1945)	739.201	am	(P-4551)	739.201	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.310	am	(P-13933/93.A-4196)	405.420	n	(P-3326)	505.420	n	(P-15220/93.A-2317)	331.310	am	(P-3326)	218.133	am	(P-12491/93.A-1945)	739.202	am	(P-4551)	739.202	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.320	am	(P-13933/93.A-4196)	405.440	n	(P-3326)	505.440	n	(P-15220/93.A-2317)	331.320	am	(P-3326)	218.134	am	(P-12491/93.A-1945)	739.203	am	(P-4551)	739.203	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.330	am	(P-13933/93.A-4196)	405.460	n	(P-3326)	505.460	n	(P-15220/93.A-2317)	331.330	am	(P-3326)	218.135	am	(P-12491/93.A-1945)	739.204	am	(P-4551)	739.204	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.340	am	(P-13933/93.A-4196)	405.480	n	(P-3326)	505.480	n	(P-15220/93.A-2317)	331.340	am	(P-3326)	218.136	am	(P-12491/93.A-1945)	739.205	am	(P-4551)	739.205	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.350	am	(P-13933/93.A-4196)	405.500	n	(P-3326)	505.500	n	(P-15220/93.A-2317)	331.350	am	(P-3326)	218.137	am	(P-12491/93.A-1945)	739.206	am	(P-4551)	739.206	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.360	am	(P-13933/93.A-4196)	405.520	n	(P-3326)	505.520	n	(P-15220/93.A-2317)	331.360	am	(P-3326)	218.138	am	(P-12491/93.A-1945)	739.207	am	(P-4551)	739.207	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.370	am	(P-13933/93.A-4196)	405.540	n	(P-3326)	505.540	n	(P-15220/93.A-2317)	331.370	am	(P-3326)	218.139	am	(P-12491/93.A-1945)	739.208	am	(P-4551)	739.208	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.380	am	(P-13933/93.A-4196)	405.560	n	(P-3326)	505.560	n	(P-15220/93.A-2317)	331.380	am	(P-3326)	218.140	am	(P-12491/93.A-1945)	739.209	am	(P-4551)	739.209	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.390	am	(P-13933/93.A-4196)	405.580	n	(P-3326)	505.580	n	(P-15220/93.A-2317)	331.390	am	(P-3326)	218.141	am	(P-12491/93.A-1945)	739.210	am	(P-4551)	739.210	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.400	am	(P-13933/93.A-4196)	405.600	n	(P-3326)	505.600	n	(P-15220/93.A-2317)	331.400	am	(P-3326)	218.142	am	(P-12491/93.A-1945)	739.211	am	(P-4551)	739.211	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.410	am	(P-13933/93.A-4196)	405.620	n	(P-3326)	505.620	n	(P-15220/93.A-2317)	331.410	am	(P-3326)	218.143	am	(P-12491/93.A-1945)	739.212	am	(P-4551)	739.212	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.420	am	(P-13933/93.A-4196)	405.640	n	(P-3326)	505.640	n	(P-15220/93.A-2317)	331.420	am	(P-3326)	218.144	am	(P-12491/93.A-1945)	739.213	am	(P-4551)	739.213	am	(P-4551/P-9588/93; A-20954/93.C-5017)
331.430	am	(P-13933/93.A-4196)	405.660	n	(P-3326)	505.660	n	(P-15220/93.A-2317)	331.430											

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